

*Leave of Absence**Tuesday, May 11, 1993***SENATE***Tuesday, May 11, 1993*

The Senate met at 1.30 p.m.

**PRAYERS**[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Vice-President:** Hon. Senators, I have granted leave of absence from today's sitting to Sen. Ashik Hassim and also Sen. Lenny Saith.

**LATE ARRIVAL**

**Mr. Vice-President:** Hon. Senators, Sen. Mahabir-Wyatt has advised that she will be arriving a little late for today's sitting.

**PAPERS LAID**

1. Report of the Auditor General on the accounts of Reinsurance Company of Trinidad and Tobago Limited for the year ended December 31, 1992 [*The Minister of National Security (Sen. The Hon. Russell Huggins)*]
2. Report of the Auditor General on the accounts of The East/West Corridor Highways Project, Inter-American Development Bank Loan No. 513/OC-TT for the year ended December 31, 1992. [*Sen. R. Huggins*]
3. Report of the Auditor General on the accounts of The Environmental Protection and Rehabilitation Programme - Loan Contract No. 857/SF-TT for the year ended December 31, 1992. [*Sen. R. Huggins*]

**ORAL ANSWERS TO QUESTIONS**

**National Gas Company/NUCOR  
(Profit Sharing/Cheap Gas)**

**56. Sen. Wade Mark** asked the Minister of Energy and Energy-Based Industries:

Could the Minister state the rationale for the "Profit Sharing/Cheap Gas" arrangements arrived at between NUCOR and the National Gas Company?

**The Minister of Energy and Energy-Based Industries (Sen. The Hon. Barry Barnes):** Mr. Vice-President, the NUCOR Trinidad Project represents the first attempt to build a fullscale commercial plant to produce iron carbide from iron fines. After the successful manufacture of iron carbide has been achieved, it will then become necessary for NUCOR to demonstrate and establish "iron carbide" as a commercially viable alternative feedstock for steel-making mini smelters.

Until such time as iron carbide is established as a commercial feedstock, NUCOR's Trinidad Project remains vulnerable, and NUCOR is anxious to restrain their anticipated cash outflow within certain maximum limits. For this reason, NUCOR pressed for the minimum supportable National Gas Company gas price during their early period of vulnerability and as an inducement offered NGC a proportionate share of profits once full commercial viability of the project has been established.

For its part, the National Gas Company saw advantage in going some way to assist NUCOR in establishing iron carbide as a commercially viable product and particularly so since this could lead to the early establishment of two additional plants in Trinidad.

Accordingly, The National Gas Company proceeded to finalize a natural gas supply contract which allows a special price to NUCOR over the first five years, thereafter reverting to a fully commercial pricing basis with appropriate annual escalators. The contract also provides for the NGC to receive a stipulated percentage of annual profits, subject to a minimum receipt of US \$1.00 for every ton of iron carbide produced and shipped from the plant in the given year.

**Sen. Wade Mark:** Mr. Vice-President, could the hon. Minister indicate to this Senate what is the special minimum price that has been arrived at between NUCOR and the National Gas Company, and secondly, if the project in question fails to materialize in relation to these new plans that have come on stream, what is going to happen ultimately?

Mr. Vice-President, to pose it another way, could the hon. Minister indicate to this House, what would happen to our side of the bargain if that project, re-profitability of NUCOR, happens to fail? What would be the consequences for the taxpayers of Trinidad and Tobago?

**Sen. The Hon. B. Barnes:** Mr. Vice-President, as I said last week, the pricing arrangements on the contract are confidential between NUCOR and the National Gas Company. The full information has been made available to the Public Accounts (Enterprises) Committee, a mechanism which assures that Parliament gets the information but at the same time safeguards the confidentiality of the information.

In respect of the possibility that the project fails—and it is a first attempt at commercialization, it is the first attempt at establishing the viability of a new commodity and therefore there is the possibility that it may turn out not to be

successful—the contract does allow for certain arrangements in terms of disposal of the plants et cetera, but just to assure the Senator, there is no risk to the taxpayer, there is no cost to the country, the gas that would have been supplied previous to that would have been paid for at a price that is above NGC's cost of gas.

The real exposure is the exposure of NUCOR which in fact is making quite a substantial investment. NUCOR has done trials on this material. I have a copy of a learned paper, which I can make available to the Senator, produced by the Iron Holdings Company, the processors, which goes through some of the files that have taken place. I can share with the Senate the fact that NUCOR in fact has tried 16 tons of this material and have satisfied themselves that it can work. The plant that they are putting down is going to produce 320,000 tons per annum.

**1.40 p.m.**

**Sen. Wade Mark:** One final question, Mr. Vice-President. Could the hon. Minister make available information to this Senate on the so-called "Profit Sharing/Cheap Gas" arrangement, so that we can have a more detailed appreciation of its implications for the country?

**Sen. The Hon. B. Barnes:** Mr. Vice-President, that, too, is part of the price confidentiality. What I feel that I can say at this point is that—and because the question does arise—if it does not make a profit, what? But there is a minimum receipt which amounts to \$1.00 a ton for every ton of iron carbide that is produced and shipped from the plant. If they in fact produced and shipped 320,000 tons that is US \$320,000. If, as you suggest, the thing does not pay, it may be 20,000 tons or 100,000 tons produced and shipped and there is a minimum fall-back receipt position for the National Gas Company. That is all I can tell you.

### **Scotland Yard Report**

#### **(Drug Cartel)**

**57. Sen. Wade Mark** asked the Minister of National Security:

Could the Minister state whether the report of the Scotland Yard Police on the existence of a drug cartel is a private report?

(a) If it is, could the Minister state why?

(b) If it is not, could the Minister make the report available to the Senate?

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, the report of the Scotland Yard Police on the existence of a drug

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cartel in the police service is not a private report. The report is, however, confidential because the information contained therein is of a sensitive nature.

**Sen. W. Mark:** Mr. Vice-President, could the hon. Minister of National Security indicate to this Senate whether any elements of that report could be released to the Senate for information; or is the entire report considered to be completely confidential?

**Sen. The Hon. R. Huggins:** The answer to the first question, Mr. Vice-President, is no; and the entire report is confidential.

**Sen. Daly:** Mr. Vice-President, would the Minister state whether the report made recommendations to the Government and whether the Government has accepted those recommendations?

**Sen. The Hon. R. Huggins:** Mr. Vice-President, the report made certain recommendations—not recommendations to the Government in the sense of they being recommendations dealing with systems and procedures, but certain recommendations pertaining to certain criminal charges. Hence the reason I am not prepared at this point in time to give any information so far as that is concerned.

**Sen. Daly:** Mr. Vice-President, what about the second part of the question? Did the Government accept the recommendations about the criminal charges?

**Sen. The Hon. R. Huggins:** Mr. Vice-President, I do not think it is a question of the Government accepting or not accepting the recommendations. Certain recommendations were made and the report was sent to the appropriate authorities. You would see certain actions have been taken in the case of one or two police officers being suspended; and that is the way the matter is being dealt with.

**Sen. W. Mark:** Mr. Vice-President, could the hon. Minister indicate to this Senate whether he, as Minister of National Security, is satisfied with the findings of the Scotland Yard Drug Report?

**Sen. The Hon. R. Huggins:** Mr. Vice-President, I am satisfied so far.

**Mr. Vice-President:** Could we go on to the next question, Sen. Wade Mark?

**Scotland Yard Detectives  
(Payments)**

**58. Sen. Wade Mark** asked the Minister of National Security:

Could the Minister state in detail the amount of moneys paid to the Scotland Yard Detectives in respect of their enquiries into the existence of a possible drug cartel in the Trinidad and Tobago Police Service?

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, the Government has to date paid the sum of £148,374.74 or TT \$920,896.73 to the Receiver for the Metropolitan Police District in respect of a team of Scotland Yard Detectives enquiring into the existence of a drug cartel in the Trinidad and Tobago Police Service.

This sum includes basic salary, allowances, accommodation and subsistence payable to the team of six officers.

**Sen. W. Mark:** Mr. Vice-President, could the hon. Minister give us a detailed account, a breakdown, as was requested by question 58, on the actual sum that was paid and the various categories involved? He has told us the sum, but we want to get a detailed breakdown, as was requested.

**Sen. The Hon. R. Huggins:** Mr. Vice-President, I do not have the minute details. As I indicated, the sum includes basic salary, allowances, accommodation and subsistence payable to the six officers. I do not have the figures for the individual allowances, accommodation, etc.

**Sen. Daly:** Mr. Vice-President, would the Minister state whether the work of the Scotland Yard Detectives is complete?

**Sen. The Hon. R. Huggins:** Mr. Vice-President, no.

**Sen. W. Mark:** Mr. Vice-President, could the hon. Minister indicate to us whether those details—the breakdown—are available and whether he can make them available to Parliament at a subsequent sitting?

**Sen. The Hon. R. Huggins:** Mr. Vice-President, I will endeavour to do so.

**NEWSPAPER REPORT**

**Mr. Vice-President:** Hon. Senators, under the provisions of Standing Order 19, I have granted leave to Sen. Capildeo to make a personal explanation at this point.

**Sen. Surendranath Capildeo:** Mr. Vice-President, I wish through you, to draw to the attention of the Senate a publication of the *Daily Express* of May 6, 1993. The publication is as follows, Sir. It is boldly subtitled:

**"Capildeo and the Privileges Committee"**

and it goes on to state:

"Will the presence of Senator Suren Capildeo compromise or obfuscate the proceedings of the Privileges Committee?"

This is the question the Senate will have to answer when it meets next week to adopt the Special Report of the Privileges Committee.

A senior Parliamentary source said yesterday the Senate would have to decide if Capildeo's presence posed a problem for the Committee and, if so, what should be done about it.

The source noted that Capildeo, who was named in a matter referred to the Privileges Committee, had been invited to the first meeting of the 1992—93 session on Thursday April 29. But before the start of any deliberations, one member raised an objection to his presence, saying that it might compromise the work of the Committee.

The source said there was some discussion and a report was made to the Senate pointing out that there was a problem with the powers, functions and proceedings of the Committee. The report was laid on Tuesday and will be debated at next Tuesday's sitting.

The source stressed that one of the difficulties was that Trinidad and Tobago adopted the Standing Orders of the British Parliament and 'there was a presumption that there are certain kinds of behaviour.'

It added that while it was expected that 'the decent thing to do was to excuse yourself when your conduct was being adjudicated upon' there were no rules explicitly stating so."

Mr. Vice-President, I consider this publication to be offensive to me personally and it is not only designed and calculated to bring me into public ridicule, contempt and hatred, but to influence deliberations in the Senate, Sir.

**1.50 p.m.**

I have come to this conclusion because of the following:

- (i) Its position on page 6 of the *Express* and its layout to draw maximum attention.
- (ii) The suspicious reference to a so-called anonymous "Senior Parliamentary Source" whose cowardice in refusing to identify himself or herself lends doubt as to the authenticity of the "source".

**Sen. Daly:** Mr. Vice-President, on a point of order. My understanding of the rule under which you give leave to make personal explanations requires that controversial matters may not be brought forward. I seek your guidance as to whether this statement is not bringing forward a matter of controversy, and indeed a matter of controversy which is shortly to be debated by the Parliament.

**Mr. Vice-President:** Sen. Daly, I did look at the statement before, and I did grant Sen Capildeo leave to read the statement.

**Sen. Daly:** As you please, Sir.

**Sen. Capildeo:** Perhaps I should start again so that Senators will not lose trend.

**Mr. Vice-President:** Continue from point 3, Sen. Capildeo.

**Sen. Capildeo:** Thank you, Mr. Vice-President.

- (iii) The lack of background explanations as to the circumstances which have led to the report.
- (iv) The unnecessary inclusion of the final two paragraphs of the publication which constitute the gravamen of my complaint. There are clear, libellous innuendoes flowing from these paragraphs. The words meant and were understood to mean:
  - (a) that I lack decency in the conduct of my affairs as a Senator;
  - (b) that I have no understanding of the behaviour expected of Parliamentarians in the Westminster System of politics;
  - (c) that consequently I am not a fit and proper person to carry out the functions for which I have been appointed by the hon. Leader of the Opposition; and
  - (d) the worst innuendo, that as an Attorney-at-Law and a Senator, I am incapable of understanding and/or I am deliberately abusing the Standing Orders of the Senate.

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As a result of the above, I have come to the inescapable conclusion that unless the matter is cleared up and explained, my character has been seriously injured and my credit and reputation have been brought into public odium and contempt.

I thank you, Sir.

#### ORDER OF BUSINESS

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, hon. Senators will recall that at the last sitting of the Senate, the Senate agreed that the debate on the Motion for the adoption of the First Special Report of the Committee of Privileges would be suspended for a period of one week. I now seek leave of the Senate to proceed with that debate, listed as Motion No. 1, "Private Business" on page 3 of the Order Paper.

This will be followed by consideration of Motion No. 1 under "Government Business" on the Supplemental Order Paper, which deals with consideration of the House of Representatives amendments to the Transfer of Prisoners Bill, 1993. The continuation of the debate on the Young Offenders Detention Bill will follow.

*Leave granted.*

#### PRIVILEGES COMMITTEE (SPECIAL REPORT)

**Mr. Vice-President:** Senators will recall that at the last sitting of the Senate, Sen. Deodath Ojah-Maharaj moved a resolution:

Be it Resolved that this Senate adopt the First Special Report of the Committee of Privileges of the Senate (1992—1993 Session).

The Motion was seconded by Sen. Stanford Callender. The Chair had proposed the question for debate, following which it was decided to defer consideration of the matter for one week. The Motion by Sen. Ojah-Maharaj, seconded by Sen. Callender and proposed by the Chair at the last sitting, is now before Senators for debate.

Before calling on the first speaker, I wish to make a statement with respect to how we will be proceeding on this debate, because I sensed a certain level of misunderstanding last week.

Senators will recall that at the sitting last Tuesday, when this matter was raised in this Senate, I had occasion to advise Senators that this was a matter that was brought before the Senate under the provisions of Standing Order 73(3). Under Standing Order 73(3), the Special Report of the Committee, which is before the



Senate, seeks to bring to the notice of the Senate one aspect of that Committee's proceedings in connection with its consideration of a matter which was referred to it by the President. This special report can in no way be construed as the report of the Committee under Standing Order 74(1).

I wish to make it clear that the Special Report that we will be debating in no way deals with the matter of privilege which has been referred to the Committee for its consideration, nor does it deal with the merits or demerits of that matter. It does not deal with the manner in which the matter of privilege was referred to the Committee.

When a report of the Committee of Privileges, on the matter referred to it, is brought under Standing Order 74(1) the occasion will no doubt give rise to an opportunity for debate in which some of these matters may become relevant.

Hon. Senators will, no doubt, be well aware that it is improper in the course of debate to reflect adversely on, or to question a ruling or decision of the Chair in any matter, except on a substantive motion therefore made, after notice. I am certain that all hon. Senators will do everything possible to assist the Chair in presiding over this debate by observing strict adherence to the rules of procedures with regard to relevance. I urge all hon. Senators who wish to participate in this debate to co-operate with the Chair in this matter.

**2.00 p.m.**

**Sen. Surendranath Capildeo:** Mr. Vice-President, I believe I am obliged to expand upon the statement attached to the report which I made to the Senate.

As you will recall, Sir, the Motion was adjourned, firstly on the grounds that Senators ought to be given some time to look at and study the statement. I believe that I owe a duty to the Senate to explain my position.

**Mr. Vice-President:** Sen. Capildeo, your opinion on the matter which has been referred to the Committee of Privileges has been appended to the report. While you may make the point, in passing, that your unwillingness to stand down has to do with what you consider "a lack of substance of the matter referred", I really would not want you, in this debate, to dwell on the matters raised in that report because, in my view, we would be getting into something that is still before the Committee of Privileges.

In your submission, would you please treat with the matter that is dealt with in that report, which has to do with your membership on the Committee, without dilating on the points that you have raised.

**Sen. Capildeo:** Mr. Vice-President, I am to be guided by your ruling. It is a difficult tight rope to walk, but I am accustomed to walking tight ropes. I do not fall off; I have not yet fallen off.

Mr. Vice-President, as I have said before, and as I stand on my legs in an attempt to make my position clear, that is to say, before any committee—be it the Privileges Committee, or any committee of this Senate—can consider a matter, that matter must be properly brought before the committee and it must be well founded. In the present instance, Sir, what we have before the Privileges Committee—and I am still a member of that committee—is a matter which, to my mind, is without substance.

I draw the attention of hon. Senators to the heading "Contents of Speeches" of Standing Order 35 and all subparagraphs thereunder. I advise all Senators, that when they are looking at the heading of this Standing Order, in their minds they should put in brackets "Speeches In the Senate", because when they look through the sub-paragraphs under Standing Order 35 they will see that everything therein deals with what takes place on the face of the Senate. And that any Motion which is founded upon this Standing Order—

**Sen. Daly:** On a point of order. Mr. Vice-President, can I seek your guidance, please? Assuming that someone, legally trained or not, has a different interpretation of Standing Order 35, in the light of your ruling, is that person going to be permitted to make a contribution to suggest that the matter was improperly referred to the Committee of Privileges? Or, is that not going, to us, outside of your ruling?

**Mr. Vice-President:** Sen. Daly, I was listening very intently to Sen. Capildeo, and from his introduction, I was planning to interrupt him, because he was certainly going outside of my ruling. We are not dealing with the merits or demerits of the matter referred to the Committee of Privileges. We would have an opportunity to do so when that report is brought under Standing Order 74(1).

Sen. Capildeo, you spoke about walking a tight rope, would you please confine your contribution to the matter that is before us?

**Sen. Capildeo:** Mr. Vice-President, I was half-way across my tight rope; *[Interruption]* I am sure you would catch me if I fall off.

To put it succinctly, Mr. Vice-President, all I am humbly seeking to advise Senators of—and I am not going into the merits or demerits of the Motion itself; I

am going into the position of how the Motion is brought before the Senate and put before the Committee of Privileges. It has to fall within the Standing Orders, and if at a *prima facie* glance at the Motion, one finds that it is not particularly within Standing Order 35, as is in this case, then it is my view that there is nothing before the Committee of Privileges.

Now, it is not for me, Sir, to advise anyone how to properly bring this matter before the Committee of Privileges. I am also to ask Senators to reflect, because they are being party to, and witness to, all events that have flowed from February to now. Hon. Senators must recall the sequence of events. I would not go into the details, but they led to a statement by the President, and I quote the President from the *Hansard* of Tuesday April 6, 1993:

"Honourable Senators, the attention of the Chair has been drawn to certain statements published in the press and aired on radio and television, purporting to come from members of this honourable Senate. Consequences will be decided upon in the near future."

It seems to me, Sir—

**Sen. Huggins:** On a point of order, Mr. Vice-President. Listening to the trend which Sen. Capildeo is taking, I seem to recall that this matter has already been referred to the Committee of Privileges, and I think it is improper for Sen. Capildeo to be allowed to seek to raise the issue of the referral of this matter to the Committee of Privileges. That is not what is before us this afternoon.

**Mr. Vice-President:** Sen. Capildeo, I was very particular this afternoon before I called on the first speaker to state precisely how we were going to proceed. I stated that the special report before us in no way deals with the matter of privilege which was referred to the Committee nor does it deal with the merits or demerits of that matter; it does not deal with the manner in which the matter of privilege was referred to the committee.

Unless you are prepared to deal specifically with the issues raised in that special report, I will have to rule you as being irrelevant.

**Sen. Capildeo:** Thank you, Mr. Vice-President, but I disagree with my learned Friend. I abide by your ruling. I have to abide by your ruling. Because, what we are about here, and what we are debating is: Why I have not disqualified myself? The reason why I have not disqualified myself is because I consider the Motion to have been improperly brought before this Senate and it is a flawed Motion.

**2.10 p.m**

**Mr. Vice-President:** Sen. Capildeo, you will have an opportunity, when the Committee of Privileges reports, to deal with all of those matters. Those matters are not relevant to the debate before us this afternoon.

**Sen. Capildeo:** Mr. Vice-President, this whole situation is not my doing. This is what happens when the matter is not properly thought out as is happening across the road at the moment. It is costing millions of dollars in the Hall of Justice. It is very difficult for me merely to come here and state baldly, "Look, I am not disqualifying myself," and I keep the reasons to myself. I think, Sir, with all due respect to the Chair, that I owe a duty to the Senate and to the Senators to explain why I have taken such a decision to prevent a national newspaper saying baldly that "the decent thing to do was to excuse yourself when your conduct was being adjudicated upon." There is the clear impression outside there that I do not know what is the decent thing to do. I do know what is the decent thing to do. The decent thing is for me to stay there.

**Mr. Vice-President:** Sen. Capildeo, what is before us for debate this afternoon is a special report of the Committee of Privileges. Your opinion on the matter has been attached to that report. You requested that it be attached verbatim and it has been attached. So you have had an opportunity to express your opinion as to why you feel that you should act in a certain way. That is not what is being debated at this point in time. You would have an opportunity when the Committee of Privileges reports under Standing Order 74(1) to deal with those matters, and that is my ruling. I wish that you would not continue on that line of argument.

**Sen. Capildeo:** I have absolutely no desire to engage in words with the Chair, absolutely none. I have merely stated that I thought it was my duty to explain my position to this honourable Senate. If the Chair finds that I cannot so do and that my statements are outside the confines of this debate, then, at this point in time Sir, there is no way in which I can confine myself in the manner in which the Chair would like me to speak.

I have a duty to explain and if I cannot explain it, I shall seek to explain it elsewhere. Thank you, Sir.

**Sen. Everard Dean:** Mr. Vice-President, I rise to express my concern about the prolonged delay in bringing this very important matter to a conclusion.

In looking at the report, and I quote the third paragraph:

"Your Committee heard objection from one of its Members that Senator S. Capildeo should not participate in the work of this Committee as one of its Members as he is named in the Privilege motion to be considered. The Member felt that the work of your Committee could conceivably be compromised if not entirely vitiated.

Your Committee was informed by Senator Capildeo that he could find no justification whatever for his withdrawal from the work of the Committee of Privileges of the Senate."

Mr. Vice-President, in everyday life—perhaps not in legal life—when you are a party to something you are usually asked to withdraw from that position. My view on the issue before this Senate is that the Privileges Committee should proceed to carry out the matter referred to it concerning Members of the Senate and the media.

In looking at the Standing Orders by which we are governed, nowhere can I see where a Senator appointed to any committee should be asked to withdraw or excuse himself from sitting in that position. In looking at Standing Order No. 74, nowhere can I see, as I said earlier, where it is necessary for a Member appointed to the committee to withdraw from its work whether he or she is affected by the matters referred to it. What I do see is that in section 74(4)(b) provision is made for a majority decision and in 74(c) provision is also made for a Member of the committee to dissent, and further provides for the dissenting Member to submit a concise, written statement for his reasons for such dissent, which should be appended to the report. If he so desires, he may submit a minority report. I want to emphasize that he "may submit a minority report."

I am of the view whether Sen. Capildeo withdraws or not the Privileges Committee should proceed to consider the matter referred to it. And if it means that we would have both a majority and minority report to consider, then so be it, and the Senate will have to deal with those reports when they come before them.

Mr. Vice-President, an alternative may be that Sen. Capildeo's appointment to the Privileges Committee be revoked, but as I said, looking at the Standing Orders I could not find any provision where a Senator, being a party to matters referred, should not attend or participate in the meetings of that committee.

*Privileges Committee (Special Report)*  
[SEN. DEAN]

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Mr. Vice-President, subject to your guidance, except in Standing Orders 83 and 84, I do not know if the Senate has the authority to revoke appointments to sessional committees once such an appointment is made.

This referral is unique in that it all started in what appeared to be a simple matter, and some people still continue to describe it as such, but to me the issue has escalated to such an extent that the nation is already judging us in a particular way.

We are in a very peculiar situation on this matter. Without challenging the integrity of the President, and Vice-President, it seems Sir, that we are in a bind, in that on the one hand, the President was the presiding officer when the incident took place and the Vice-President is chairman of the Select Committee who, unfortunately, was in the Chair when this matter was raised last week, which indicates to me that we should have another look at section 67 of the Standing Orders with the view of avoiding such situations in the future.

**2.20 p.m.**

Mr. Vice President, may I enquire from you if this Senate having appointed a sessional committee, also has the power to revoke such appointment, or debar appointees from serving on committees, where there may be a conflict of interest? All I saw on page 28 of the "Amendments to the Standing Orders" section 64 (3) which gives the President the right to change the Chairman appointed from time to time, but nowhere have I seen where other Members can be changed in the same manner.

It would seem to me that the same maxims referred to in the statement by Sen. Capildeo would also apply to him if he continues to be a Member of the Privileges Committee which has to consider the particular referral.

This is no longer a simple matter and it should not be left hanging for too long. As I said earlier, I believe the Committee should proceed with its work even if we have to consider majority and minority reports. My own feeling is that the Privileges Committee should continue to do its work with or without Sen. Capildeo.

Thank you.

**Sen. Diana Mahabir-Wyatt:** Mr. Vice-President, like most of the Members of the Senate I have been deeply concerned over this whole issue. I think, like many of us, that in the eyes of the public this Senate has been called into a certain

amount of disrepute, because of this rather unsightly spectacle of people who are regarded as leaders in this country not being able to sort out a situation which has just been exacerbated, until it has got to the point of making us all look ridiculous.

I am glad that this question has come up for debate because I think it is time that we dispose of it. Like Sen. Dean, the first thing I did—because I really had not ever considered this question before—when we took our adjournment last week, was to turn to the Standing Orders because one would expect that in the Standing Orders there would be some sort of guideline as to how to deal with this. In fact, I did not get much help.

Over the weekend, I spent most of Mother's Day, when mothers should be doing other things like being spoilt and cooked for and what not, pouring over the Standing Orders of the Senate and *May's Parliamentary Practice*. You would recall that in the Standing Orders of the Senate, there are two things apart from the sections to which Sen. Dean has referred. Section 74 (3) states:

"A Select Committee may make a special report relating to its powers, functions and proceedings on any matters that it thinks fit to bring to the notice of the Senate."

I think that this Motion is properly before us. I think that what the Committee has brought before us are the procedures by which it will operate.

As Sen. Dean has pointed out, Sen. Capildeo has, as was his right, appended his own comments to this report. There are apparently two things that can happen when a committee such as this submits a report. Section 74 (5) states:

"The report of a Select Committee including any minority report shall be presented to the Senate by the Chairman or other Member deputed by the Committee, and shall be ordered to be laid on the Table, and be printed, without question put."

There is an alternative of course in section 7 which states:

"The Report of a Select Committee may be taken into consideration by the Senate on a motion..."

That is how it has come before us today.

I wondered if perhaps Sen. Capildeo's stand was predicated on a possibility that in future reports, if he did not take part in the deliberations of that Committee, the reports might be ordered laid on the Table and be printed without question

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put, which would not give anybody a chance to debate the issue, or give Sen. Capildeo a chance to put forward his views in relation to the issue as a whole. However, that was just one consideration.

I noted also, as did Sen. Dean, that the Standing Orders in fact probably do provide for the appointments of Members to the Committee. There is only one section which deals with the replacement of a Member of such a Committee. Section 70 (2) states:

"Where a Member of a Select Committee dies or for any other reason his seat becomes vacant, then, subject to the preceding paragraph, the President shall appoint another Senator in his place."

Obviously, Sen. Capildeo has not died, but there is the other provision, "for any other reason his seat becomes vacant..."

Now, unfortunately, in the Standing Orders of this Senate, there is no provision for removal. In other words, there is no provision that gives another reason why his seat should become vacant. Presumably, it would cover such things like if he leaves the country or resigns from the Senate, but there is nothing specified. In other words, there are no guidelines for us to use in this instance.

This is a rather unique situation. From what I can ascertain it has not come up before in the history of the Senate of the Parliament of Trinidad and Tobago. In fact, I can go even further and say that it is even more unique than merely that comment seems to indicate.

Under the "Amendments to the Senate Standing Orders" which were made in 1989 on page 36, section 84 (i) states:

"In any matter not herein provided for, resort shall be had to the usage and practice of the House of Commons of the Parliament of the United Kingdom, which shall be followed as far as the same may be applicable to this Senate, and not inconsistent with these Standing Orders nor with the practice of this Senate."

I think that the point is made that where we cannot find guidelines in the Standing Orders, what we have to do is look to the practice that exists in the United Kingdom.

If I may take a few minutes from the time of this honourable Senate, I would just like to refer the Senate to *May's Parliamentary Practice* and to the provisions



that exist under that as to what one may do in a situation like this. I think going back to first principles which one has to do in a situation such as we are dealing with is to go first of all in *May's* to a situation in which Members are nominated to serve on a Select Committee.

On page 684 of the 20th Edition of *May's Parliamentary Practice* the following words appear:

"In the nomination of Members to serve on select committees neither the House, nor, where the nomination is entrusted to the Committee of Selection, the Committee of Selection is bound to consider whether Members are personally interested in the matter or bill referred to in the committee, and no objection can be raised in this respect to the composition of the committee."

In other words, whether in this instance, Sen. Capildeo had an interest in the matter before the Committee or not would not have been considered under *May's Parliamentary Practice*, as I read it in his appointment to the Committee. The paragraph goes on:

"But it is not the practice for a member of a select committee to take part in any enquiry while the affairs of any body in which he may be personally interested are under investigation."

### **2.30 p.m.**

*May's* goes on further. Page 439 deals with a declaration of interests of a member of the committee. I am not going into all of the sections which deal with breach of privileges because this is not properly before us. I think that this is, in fact, what is before the Committee of Privileges. I simply will go into the matter before us.

There is a section in *May's Parliamentary Practice* which has to do with the conflict of interest which a member of a committee may have in relation to the work of the committee. It is interesting to note that *May's* does, in fact, restrict itself mainly to financial matters. Although it is not, strictly speaking, restricted to financial interests, it is mainly in relation to financial interests.

In the United Kingdom there is a Register of Members' Interests which takes care of the financial side of it, but the members are to consider any specific complaints made in relation to the registering or declaring of interest and to report on these and any other matters relating to a member's interest. It does not seem as though the parliamentary practice in the United Kingdom restricts itself just to

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financial interests, because it does say any other matters relating to members' interests.

If a committee decides that the interest should be registered, the member is so informed. If he is not satisfied, the Committee makes a report to the House—as has happened in this case—together with a recommendation as to what action should be taken. Such a report is still, however, in general terms. The final decision rests with the House itself.

It would seem to me that this is a practice which must, therefore, extend to the Senate of this Parliament, and that a final decision rests in this matter where the problem could refer to a conflict of interest under this particular term. It may be that the final decision would rest with the Senate itself. However, where one member makes an allegation against another member, he is required to do so in writing to the registrar who refers the allegation to the committee and informs the member concerned. The Committee may then hear both members together with such other evidence as it thinks fit and may make a report to the House together with a recommendation as to what action is to be taken.

Again it is for the House to make the final decision. A third time at the end of the following paragraph, it is repeated:

"A report with an appropriate recommendation is made to the House with which, as in other cases, the final decision rests".

Mr. Vice-President, it is noteworthy that in *May's Parliamentary Practice*, which I believe goes back to 1410, the final sentence is added: "no such case has yet arisen". It could just be that we are witnessing the first such case which has had to come to a parliament, and I think that because of that we cannot take this lightly. We have to look on it with great seriousness.

The question must arise as to whether Sen. Capildeo, in sitting on the Privileges Committee, is acting in a position of conflict of interest.

I would like to submit, in closing, that we must consider two things: one is that the committee itself is not a judge. In other words, the Privileges Committee is not there to make any judgment in relation to the Motion before it. The committee is only there to make a report. Whether Sen. Capildeo sits on the committee or not, he would still have to go before the committee to make his views known. If Sen. Capildeo does sit on the committee, then he has that opportunity to make his views known. One way or another the committee does not

have the power to make a final decision; that decision must be made by the Senate.

In the second place, I think that we must also take into consideration the fact that Sen. Capildeo is also a member of this Senate and he sits—as is indicated by *May's*—unless he himself decides that he does not want to sit on the committee because it is a conflict of interest—as is the practice in the United Kingdom. He may sit. There is nothing to compel him to withdraw, as is the united Kingdom convention. He has the right to ignore that convention. The question is therefore going to come to this House anyway, and Sen Capildeo will sit as a Member of this Senate in deciding whatever recommendation the committee comes up with. I think that those are two crucial points that we must take into consideration.

I would like to say that I entirely support Sen. Dean's statement that the work of this committee must continue for the sake of the reputation of this Senate and for the dignity and respect with which it has hitherto been held in this country. I think it is important that we get this matter over with and whether the committee sits with or without Sen. Capildeo, I would recommend that it go ahead with its work as soon as possible.

**Sen. Michael Mansoor:** Mr. President, this debate is a very legalistic one and persons without legal training, like myself, should respect that limitation.

However, the first point I wish to make is that I am not as pessimistic as others as to whether this Senate is being mocked or laughed at or brought into a state of disrepute as has been suggested. This is a relatively young parliament and I think that we have to remember that we run our business on the basis of law and tradition that is modelled on another parliament that has existed many more years than ours has. I believe that, by comparison, this matter, though important, is not as cantankerous as matters that might have arisen in other parliaments in other parts of the world. I am not as pessimistic as others with regard to what is really happening today.

I would wish to congratulate our Privileges Committee for reporting at this stage. I think that they have done very well. As I see it, what has happened here is that the matter was referred to the Privileges Committee, quite correctly under Standing Order No. 26(4) and the committee met and has reported. Really all the committee has said is that, by way of a special report, there is a sort of punctuation in their proceedings while one member has raised a question as to whether or not another should remain on the Committee. I think that our Privileges Committee

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has done very well in reporting this matter by way of a Special Report at this stage.

Presumably, the options that are available to us are to note it and ask that the committee proceed, or, alternatively, to suggest that the action that seems to be contemplated in the third paragraph of the report, whereby a member of the committee would be asked to vacate his position for the purposes of the consideration of this matter; whether that should be done.

Mr. Vice-President, I think it is very important to recognize that, although common sense and what one might call club etiquette would suggest that if a matter is being discussed about a member who is in a judicial role, he should leave that position to others. Although that is a matter of perhaps common sense and club etiquette, I think one has to be very clear that this Senate is governed by law and tradition and not necessarily by what one might call club etiquette. I think that the Standing Orders are very clear that a Member vacates his seat as a result of death or if he is unable to consider the matter because of some consideration that makes his position invalid.

**2.40 p.m.**

Mr. President, I would wish to state that we are grateful to our committee for reporting at this stage. They have made their point and it is very clear that the committee can proceed to do its work and that if one or all five members of the committee have different views, they can all submit their own reports for the consideration of the Senate and then we will decide what we will do about it.

Mr. President, I do not believe that this is a crisis or anything like that. I think that our committee has done well and that we should note their report and we should respectfully ask them to proceed with their work.

Thank you.

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, I will be very brief. My understanding of the report as submitted by the committee seems, quite clearly, to suggest that the committee feels that it has a problem in dealing with the matter referred to it so long as Sen. Capildeo remains a member of the committee.

I have heard arguments that the committee should be allowed to proceed with or without Sen. Capildeo. I have heard arguments that there does not seem to be any provision in the Standing Orders which deals with the question of whether the

Senate can remove a Senator from a Select Committee. But I think Sen. Diana Mahabir-Wyatt dealt sufficiently with that in that there is provision in the Standing Orders of the British Parliament—I think it is Standing Order 121—which allows for the House to remove or discharge a member who has been properly appointed to a Select Committee.

Indeed, the Amendment to the Standing Orders of this Senate—I think it is Standing Order 84—needs to be opened for us to adopt as a matter of practice any such practice as may be—

**Sen. Hosein:** Mr. Vice-President, on a point of order. I wonder if the Minister would care to read for the benefit of the Senate, the two sections to which he referred.

**Sen. The Hon. R. Huggins:** As I was saying, Mr. Vice-President, it, therefore, seems that the Select Committee, in making the report, really is seeking the assistance or guidance of this Senate as to what position it should take, having regard to Sen. Capildeo's continued membership on the Committee.

I think one can find clear guidance from Sen. Capildeo's own position taken at the first meeting of the committee held on Thursday, April 29, 1993. Sen. Capildeo made it quite clear that the motion seeks to violate the doctrine and he quoted numerous Latin quotations: A judge cannot be a judge in his own cause; a judge cannot punish an injury done to himself; no one should be a judge in his own cause. It seems quite clear to me that Sen. Capildeo is very cognizant of the rule.

**Sen. Capildeo:** Mr. Vice-President, on a point of order. This is what I was attempting to do, to explain, because the hon. Minister of National Security does not understand the context in which those quotations were made. He is using them wrongly.

**Sen. The Hon. R. Huggins:** I am not seeking to use them. I am just quoting from a report.

**Sen. Capildeo:** On a point of order, again, Sir. Is he merely quoting it up in the air, *in vacuo*?

**Sen. The Hon. R. Huggins:** The entire statement of Sen. Capildeo is before the Senate and I am sure that it will be interpreted in the manner in which it is intended.

**Sen. Capildeo:** Again, on a point of order, Sir. I am saying, again, the Minister does not understand the purpose of the quotations. He is misreading them. If I were permitted to explain and elaborate my stand, that mistake would not be made by the Minister. Mistakes like that have been made in the past and it is costing this country millions.

**Sen. The Hon. R. Huggins:** Mr. Vice-President, I am only seeking to avoid the Senator making a mistake which would cause him to fall off the tight rope which he feels he can so cleverly walk.

**Sen. Capildeo:** Mr. Vice-President, this is no light matter and whether I am on a tight rope or I fall off or I do not fall off is immaterial. What is material to me is this question of club rules, decency and my stand. If my stand is not understood, then we are going to have a continued interruption like this and unless I can explain it, I can see this going on *ad infinitum*.

**Sen. The Hon. R. Huggins:** I do not intend to carry on *ad infinitum*. As I said, the report as submitted by the Select Committee only seeks to get the guidance of the Senate as to whether they should continue their proceedings in the absence of Sen. Capildeo or whether they should proceed with Sen. Capildeo's presence. I think that is all that is really before the Senate at this point in time.

Thank you, Mr. Vice-President.

**Sen. Wade Mark:** Mr. Vice-President, I would like to join in the debate. I think that we are living in exciting times. All sorts of things are happening around us and I would like to share the views expressed by Sen. Dean on this matter.

Mr. Vice-President, I think that what we are dealing with is like a storm in a tea cup and it is a matter which has to be resolved one way or the other. I would have much preferred to be debating at this point in time the full report of the Committee of Privileges.

I would like to join in supporting the view expressed that this report be noted by the Senate and that the Committee of Privileges be asked to proceed expeditiously with its responsibility in terms of trying to bring to this Senate, as quickly as possible, a report on the matter so that we can deliberate on it finally.

As the Standing Orders show, and even as quoted by Sen. Mahabir-Wyatt in terms of *May's Parliamentary Procedures*, nothing in these Standing Orders compel a Member who has been appointed by this Parliament to discharge himself from his or her responsibility at the level of the committee appointed by this

Parliament, and we know the Standing Committees are appointed on an annual or sessional basis.

So I would like to really join and urge my senatorial colleagues, in an effort to avoid any further fractures because there are many legal arguments which we can introduce in this matter and we are not seeking to enter into that realm at this point in time. Depending on the outcome of the proceedings, well, maybe those arguments would arise elsewhere.

All I want to emphasize at this point in time, Mr. Vice-President, is that the committee be instructed by this Senate to proceed expeditiously with its work and to report its findings to this Senate and, as the Standing Orders clearly point out, there is, in fact, room for the submission of a minority report, so that we can have a minority and majority report and the Senate will debate and finalize this matter.

I think that the sooner we are able to overcome this hurdle, the better for all of us. Because, one way or the other, the matter will be settled and if we are not careful and do not handle our business carefully, we may end up in a constitutional crisis in this country.

All I want to advance at this time is that the committee proceed with its work. We do not want to detain this Senate any longer. We have many matters to deal with this afternoon and we would like hon. Senators here to at least note our concerns and to be guided by the Standing Orders and the *May's Parliamentary Procedures* and that the matter be noted by the Senate and the committee asked to expedite its responsibility.

Thank you very much, Mr. Vice-President.

**Sen. Martin Daly:** Mr. Vice-President, I, too, wish to be identified with those speakers who believe that the Privileges Committee must get on with its work and must do so expeditiously. I do not think that this matter lends itself to references to sections and subsections and to legal argument.

For whatever reason, the Senate has a difficulty which largely arises because, unlike some other places where a player and an umpire disagree, we have no electronic eye, we have no third umpire. In that situation, where the disagreement between a player and the umpire has escalated and has given rise to, among other things, interpersonal difficulties in the conduct of the business of the Senate—

**Sen. Hosein:** On a point of order, Mr. Vice-President. I have been reliably informed that the learned Senator has been giving advice to the President and/or

the Government on this matter. I wonder whether it is suitable for him to take part in this debate.

**Sen. Daly:** That, Mr. Vice-President, is precisely the point I am making. I was actually saying, at the time of the Senator's intervention, that it gives rise to interpersonal difficulties. That kind of foolish intervention, if I were of a different—

**Sen. Hosein:** Mr. Vice-President, I seek your guidance here. I believe that word is unparliamentary and I would ask the Senator to withdraw it.

**Mr. Vice-President:** Sen. Daly, I am certain you can find another word to express your sentiments.

**Sen. Daly:** Mr. Vice-President, I would be happy to withdraw it and to use no adjective at all, because the point I am trying to make is being amply made by Sen. Hosein's intervention. It is almost as though he was programmed to support me by his action because I was referring to the fact that we have, among other things, in the conduct of the business of the Senate, interpersonal difficulties which have arisen. It is for that very reason that I wish to join with those who say that the Committee of Privileges must get on with its business as expeditiously as possible.

Mr. Vice-President, since the learned Senator has raised it, I will respond for the record by saying that the conversations which I have had with you and with the President on this matter are no different from the conversations which I have had with Sen. Hosein when he had telephoned me about it. They have represented informal conversations between concerned Senators who are acutely aware that this problem must be solved. They represent informal conversations between Senators, including Sen. Hosein on the occasions when he telephones me, that the nation is fed up with all of this and they want the matter resolved so that we can get on with the nation's business—the reason why we sit here week after week.

So that with those few remarks, Mr. Vice-President, I wish to associate myself completely with the desire of all the Senators who have spoken that the Privileges Committee can get on with its business as expeditiously as possible.

In conclusion, I would say only this: I think it would be a terrible precedent if we were to seek to go any further than note the motion and by implication tell the Privileges Committee, to carry on with the work, difficult or not, unwilling though you may be to have a Member present. I think it would be a terrible precedent in



basically resolving what is a procedural matter to be seeking to go any further and seek to have a Member discharged. It would only act to exacerbate the difficulties which exist.

**Sen. W. Mark:** Before the hon. Senator sits, could he indicate if he is advancing an alternative? Because he is saying to the Senate that it would be a terrible precedent to allow the report to be noted and to be referred back to the Privileges Committee.

**Sen. Daly:** That is not what I am saying. I am saying precisely the opposite. I am saying that the Privileges Committee must get on with its business expeditiously and that we should go no further than to adopt the report because it would set a terrible precedent to seek to go further and seek to discharge a Member from a Committee when a matter like this comes before us on a procedural motion.

It is for that reason, Mr. Vice-President, I think that the Motion should be supported in the form that it is in and that the Privileges Committee, difficult or not, must get on with its business.

Thank you.

**Sen. Deodath Ojah-Maharaj:** Mr. Vice-President, this resolution is procedural and is brought for adoption in accordance with the provisions of Standing Order 74 (3) and (7).

I beg to move the following amendments to the resolution:

“Be It Further Resolved that the Committee of Privileges of the Senate (1992-1993 Session) be directed to continue to set and consider the matter referred to it by the President on Monday, April 19, 1993, notwithstanding the membership of Sen. Capildeo.”

I beg to move.

**Sen. Daly:** Before the Senator takes his seat, Mr. President, would he consider, to save us time, including in his amendment the feeling which I think has been expressed by all of us: “to continue with its work expeditiously”.

**Sen. Ojah-Maharaj:** I have no problem with that.

*Seconded by Sen. S. Callender.*

*Question, on amendment, put and agreed to.*

*Question, on amended motion, put and agreed to.*

*Resolved:*

That this Senate adopt the First Special Report of the Committee of Privileges of the Senate (1992-1993 Session);

That the Committee of Privileges of the Senate (1992-1993 Session) be directed to continue to set and consider the matter referred to it by the President on Monday, April 19, 1993 notwithstanding the membership of Sen. Capildeo, and report expeditiously on the matter referred to it.

**TRANSFER OF PRISONERS BILL**

**House of Representatives Amendments**

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, I beg to move.

That the House of Representatives amendments to the Transfer of Prisoners Bill listed in the appendix be now considered.

*Question proposed.*

*Question put and agreed to.*

Long title.

*House amendment read as follows:*

Insert between the words “between” and “Trinidad” in line 1 the words “the Republic of”.

**Sen. Huggins:** Mr. President, I beg to move, That the Senate doth agree with The House in the said amendment.

*Question proposed.*

*Question put and agreed to.*

Clause 2.

*House amendment read as follows:*

- A. Remove the definition of “declared country” from its present position and insert it after the definition of “convicted”.
- B. Delete the definition of “offender” and substitute the following:  
“offender” means a person, irrespective of age who being either—

- (i) a citizen of Trinidad and Tobago; or
- (ii) a person whose transfer appears to the Minister to be appropriate having regard to any close ties that person may have with Trinidad and Tobago, has been convicted of an offence by a court of competent jurisdiction in a declared country and upon whom a sentence has been imposed as a consequence thereof;

C. Delete the definition of “transferred” and substitute the following:

“transfer” means transfer from a declared country to Trinidad and Tobago or from Trinidad and Tobago to a declared country.”

**Sen. Huggins:** Mr. President, I beg to move, that the Senate doth agree with the House in the said amendment.

*Question proposed.*

**Sen. Prof. John Spence:** Mr. President, I do not understand the definition of offender, which the Minister stated. If a person is—I do not have a copy in front of me. Could we possible have B (ii) read out, again:

“(ii) a person whose transfer appears to the Minister to be appropriate having regard to any close ties that person may have with Trinidad and Tobago.”

This seems to me a very strange—

**Sen. Huggins:** Mr. Vice-President, there has been no change, really, in the substance of the definition. It is just that a comma has been removed and replaced by a full stop. Sorry, the comma stays.

*Question put and agreed to.*

Clause 3.

*House amendment read as follows:*

In subclause (5) delete the words “under subsection (1) in relation to a non-Commonwealth country” in lines 1 and 2 and substitute the words “other than by virtue of the Convention or the Scheme.

**Sen. Huggins:** Mr. President, I beg to move, That the Senate doth agree with the House in the said amendment.

*Question proposed.*

**Sen. Capildeo:** Mr. President, May I enquire from the hon. Minister, in relation to a “non-Commonwealth country”, if Venezuela is a part of this? Because if they catch our fishermen, we will be able to bring them back home. I just wonder if he can tell us whether Venezuela is part of this.

**Sen. Huggins:** Well, Mr. Vice-President, the term “non-Commonwealth country” was removed by virtue of the amendment in the House of Representatives. It is no longer part of the Bill and we are just seeking to have the Senate agree with the amendment suggested by the House of Representatives. It has been replaced by “countries being signatories to the convention” or “countries that may be part of the transfer scheme”. Which one Venezuela will fall into, I cannot say.

**Sen. Capildeo:** Thank you, Sir.

*Question put and agreed to.*

**3.10 p.m**

*Clause 4.*

*House amendment read as follows:*

- A. In subclause (2) delete the words "or the sentence is indeterminate" in line 3.
- B. In subclause (4)(a) insert after the word "applied" in line 1 the words "or consented".
- C. In subclause (4)(b) delete the word "act" in line 6 and substitute the words "apply or consent" and insert after the word "for" in line 7 the words "or consented to".

**Sen. Huggins:** Mr. Vice-President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 10.*

*House amendment read as follows:*

Delete subclause (3).

**Sen. Huggins:** Mr. Vice-President, I beg to move, That the Senate doth agree with the House of Representatives in the said amendment.

*Question proposed.*

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*Question put and agreed to.*

*Clause 12.*

*House of Representatives amendment read as follows:*

Delete subclause (1) and renumber subclauses (2), (3) and (4) as (1), (2) and (3) respectively.

**Sen. Huggins:** Mr. Vice-President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

*Question proposed*

*Question put and agreed to.*

**YOUNG OFFENDERS DETENTION (AMDT.) BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question [May 4, 1993]:*

That the Bill be now read a second time.

*Question again proposed.*

**Sen. Martin Daly:** Mr. Vice-President, I am happy to support this Bill, because I believe that anything we can do to give a young offender a second chance at a more rewarding life is a good thing. But I am concerned, Mr. Vice-President, as some of the other speakers before me—and if I may say so without in any way devaluing the contributions of anyone else—and as my colleague Sen. Teelucksingh so ably demonstrated, that we are considering this measure outside of the context of some wider social programme to assist the youth of this country.

While I recognize that it is perhaps a tribute, either to his weight or to his industry, that the Minister of National Security should be the person presenting this Bill, I think that it is not without significance that it is not being presented by a Minister responsible for social development or a Ministry of some such kind, where we could locate this measure as one of a series of measures in an overall programme to deal with young offenders and the participation of youth in crime.

I think as I have indicated, my colleague, Sen. Teelucksingh, touched on some of the wider social issues and outlined his vision on the type of social programmes that are needed in relation to school children. Mr. Vice-President, I too, am concerned about some of the additional things that are required, so that no one

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thinks that by passing a measure like this we have dealt with the problem of the participation of youth in crime. I think it is fundamental that attention be paid to the cocaine trade, to unemployment and to the current—what I conceive to be—total lack of fear on the part of young persons that they will be detected in the course of committing a crime.

I raise these matters, Mr. Vice-President, because it is not going to make a great deal of sense to pass a measure like this if there are conditions prevailing in the society that are going to enhance the numbers of youthful offenders. I do not think, for example, that any amount of education is going to remove from a potential youthful offender, the strong inducement of the high dollars that are paid to watch out on the block, while cocaine is being openly distributed, just in case someone in authority might be passing by.

I do not think that long and enduring conditions of unemployment and the resentment that it breeds, in circumstances of that kind, that this Bill is going to have very much effect. I refer also to the lack of any kind of fear of detection or punishment, because, Mr. Vice-President, we are all aware of the chronic lack of equipment and resources available to the police service. And in that context, too, I think this Bill will be pretty meaningless even though it will help a few persons.

Mr. Vice-President, I want to urge the Government to consider very carefully a programme for the overall development of the youth of this country and an overall social programme which has as its main features, the eradication of the cocaine trade, relief of unemployment and proper equipment and resources for the police service.

I too am very concerned, Mr. Vice-President, because I detect a tendency on the part of the Government to be proceeding with its economic programme and to "gloat" about the "float"; to "gloat" about foreign investment; to pretend that tax relief for persons earning an income of \$16,000 a year is going to alleviate the conditions that I have described, as to make the participation of the youth in crime less of a reality.

I just want to sound that note of warning, because this measure has come in a vacuum, and I want the Government to be aware of what I believe are the conditions that contribute to the participation of the youth of this country in crime. I want to make it plain, how important I think it is, not simply to replace a comprehensive social programme with the politics of "float" and "gloat".

I am very disturbed that it should be important for us to be boasting about the steadiness of the currency at a time when our youth are very unsteady.

**3.20 p.m.**

I think that the average potential youth offender on the block will say to you he does not care how steady the Trinidad and Tobago dollar is because he cannot get one; or as I heard one say on a television programme, he is looking for a permanent dollar. I think if there are no permanent dollars out there, no amount of rehabilitation programmes or education for youthful offenders is going to solve our problems. So that, like the other speakers, I would like to say what the qualifications to my support for this measure are, lest some visitor arriving here might think that we are thinking seriously that the passage of a measure of this kind is all that we need to do for potential young offenders in this society.

I am very concerned about these matters, Mr. Vice-President and, therefore, I would just like to take this opportunity to express those reservations and remind the Government that no amount of economic progress in the modern world, no amount of foreign investment, which I fully support, is going to remove the need for an overall social programme, particularly as much of the investment, which I am very happy we are attracting, is high-tech and, relatively speaking, will not produce many permanent dollars for the youth of this country.

Thank you, Mr. Vice-President.

**Sen. Salisha Baksh:** Mr. Vice-President, having listened intently to the issues and concerns expressed by Members of this honourable Senate on this Bill before us, I believe that there remain outstanding salient matters which must be addressed before the close of this debate. I wish to assure you, Sir, that I will not burden this Senate with unnecessary repetition, and I shall be quite brief.

As you are aware, Mr. Vice-President, the welfare of our nation's youth is of paramount importance; and so any Bill which affects any sector of these special citizens deserves careful attention. Having thoroughly analyzed the Bill in the context of its application to (1) our over-burdened legal system and inefficient penal process; (2) our system of education which is in dire need of reform, and (3) our society which is sceptical to change, I foresee major problems which, if not addressed, will defeat the basic purport of this Bill.

The provisions in the Bill, Mr. Vice-President, if effected will actually introduce a system of parole. As we are all aware, Sir, there are various methods of parole, and although there have been numerous reports on this subject, such a

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system is not, as yet, a part of our legal process. Suffice it to say, that if we choose to introduce a new system, we must ensure its success.

Mr. Vice-President, the aims and objectives of this Bill should go beyond giving the power to the Minister and the Commissioner of Prisons to grant leave to young offenders to enable them to attend educational or vocational institutions. Because, granting the power is one thing, achieving the result is another. I must admit that the effect of this Bill is seriously demised by the lack of the necessary legal, educational and social infrastructure.

Although this Bill will, undoubtedly, result in a type of parole, no provision has been made for a system of checking and monitoring the selected few. And to whom are these young persons to report? What if they escape while on their school's premises? What sanctions will be imposed if they do not conform to expected rules of behaviour? Mr. Vice-President, these are pertinent questions which must be answered before the introduction of the system, otherwise we will be faced with incidence of escaped offenders; overlapping jurisdictions and unclear boundaries between school and state; also unsupervised youths who already suffer from neglect and abuse. The type of system which this Government seeks to enforce demands a corps of competent, skilled and highly trained professionals in the fields of psychiatry, psychology, and teaching; and without this manpower, the system is doomed to fail and, unfortunately, the young offenders involved will suffer the effects.

Mr. Vice-President, we must ask ourselves what is the primary aim of the Bill? Is it to educate or to integrate? And if the answer is both and the intention is to achieve them simultaneously, then from the outset we will fail. I believe, Sir, that we must first educate—not just academically—and then integrate.

The hon. Minister indicated that the youngsters to be exposed to this facility will be chosen from the Youth Training Centre, which is only one of five juvenile institutions in this country. What provision, then, is being made for the other institutions? Even if it is on an experimental basis, why then has only one institution been chosen? For how long will this experiment last? What of those who were not fortunate enough to be chosen?

Mr. Vice-President, our education system is already adversely affected by the incidence of preference and choice. There are many who feel prejudiced by the system. Also, there are certain social factors which presently exist and which will, undoubtedly, affect the success of the system, if introduced. We live in a very small society which is prone to gossip and where your business becomes



everybody's business. Sir, hiding the identity of young offenders enrolled in particular institutions will prove futile and so, these special students will have to brace themselves for scandal, rumour and ridicule. We are saying they must not become the subject of verbal or other abuse, because, obviously, this will affect their performance in school. Has the Government examined the provision to be made for these students who will now have to do their homework, projects and assignments in preparation for examinations? Mr. Vice-President, all the juvenile homes are overcrowded and under-staffed and lack the amenities and facilities conducive to study. That is a fact. Further, Sir, much has been said about the potential hazard to students already enrolled in the institutions which will cater for the chosen young offenders.

But what about the vulnerability of the young offenders themselves? There are students presently attending school who live a life of crime, Sir, but, unfortunately, have not been brought before the courts. What about their negative impact on the young offenders? What if these rebel students, knowing the background of these youngsters, exert undue influence and cause these youngsters to submit under pressure. What safety precautions have been put in place, Sir?

Mr. Vice-President, it is unconscionable to deny young offenders a right to education and the right to a second chance. But, Sir, it is criminal to build their dreams and hopes and, because of a lack of foresight, destroy those very dreams and hopes. Perhaps the Government ought to address a system in which a corps of tutors could be used as resource personnel to conduct classes in various fields of study at all levels in all juvenile institutions. It may sound like a fantasy and a costly one at that, but "insufficient funds" is no excuse to deprive one of education.

**3.30 p.m.**

Young offenders chosen to attend school would have to be provided with books, uniforms, the cost of which would most likely be borne by the state. But under the proposed system I have just mentioned, of specialized education to all, these costs become unnecessary and could instead be channelled towards remuneration for teachers in the schools. The primary function of these teachers would be to educate with the intention of building confidence and self-esteem in their students, a project that this Government easily identifies itself with—"self-esteem".

Having achieved this through meaningful education, then integration would be less onerous. For no one can defeat a person aware of his faults and committed to

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improving himself. We must bear in mind that our schools are already overcrowded. We must bear in mind that there are many youngsters who, after the Common Entrance and CXC examinations, have nowhere to go. This, therefore, strengthens the argument to provide educational services within the detention centres so that there will be maximum benefit. By so doing, society will be forced to take recognition of such centres and once again, upliftment, acceptance and integration will be more easily ascertainable.

Government can then give consideration to offering incentives, such as the removal of criminal records for students who perform well and are exemplars within the centres. Our education system provides a great challenge to our society, for there are many who want it, but for various reasons are denied access. Young offenders are also desirous and deserving of exposure to academic learning. The Government's role in this regard is twofold.

Firstly, there must be curative measures introduced to deal with youngsters who have gone astray. Secondly, preventative measures to ensure that our youth are properly guided and firmly grounded in principles of self-esteem, honesty and integrity.

Finally, our youth are our greatest resource, and until we reach the stage where our youth are in control of themselves and are subject to control by those in authority, detention centres will always be over-populated and our nation as a whole will be deprived of its greatest assets.

I thank you, Mr. Vice-President.

**Sen. Hydar Ali:** Mr. Vice-President, as this is the first time that I am speaking since you have changed your position, I would like to congratulate you on your elevation to this seat, however temporary it might be.

Mr. Vice-President, in the recent past there have been debates in which the need for prison reform and penal reform have been stressed; I remember in particular the Firearms (Amdt.) Bill and the Transfer of Prisoners Bill, the latter which came back to us only today.

While on the surface it appears that this Bill satisfies that need—and as Sen. Spence said, it is certainly in the right direction—I am a little sceptical as to whether it is going to achieve its desired aim, if that aim is to reform and to rehabilitate the individual, and, as the Minister said in his introductory remarks, "providing opportunity for those who have shown the ability to pursue a higher level of education."

In the Explanatory Note to the Bill, provision is made for two things:

"...first, to extend the regulation-making power of the Minister to include the power to prescribe the academic or vocational training that may be received by young offenders. Secondly, the Bill seeks to empower the Commissioner of Prisons to grant leave to young offenders, to enable them to attend educational or vocational institutions."

In practice, what this means, if my reading of the original Act is correct, is that the Bill will allow for inmates of the Youth Training Centre who, according to the Act, are between the ages of 16 and 18, and who are serving sentences between three and four years, to improve their education at regular educational and vocational institutions. From what we have heard in this Senate and what transpired in the other place, and from the debates which took place outside of the Parliament, I feel this Bill is treated as if it were providing for a group of youths who are disposed delinquents, and sometimes just youths who are not young offenders at all.

I do not mention these things because I am not supporting the Bill; I am supporting it with certain reservations. I think in debating this Bill we ought to pay particular consideration to the fact that we are not solely dealing with the education of youths who may have had some difficulties, but youths who have had some problems. To get an idea of the type of individuals we are dealing with and for whom we are trying to cater, I will quote from a talk that the hon. Minister of National Security, Russell Huggins, gave at the General Meeting of the Inter-religious Organization on March 31, 1993. He says in paragraph 4:

"Additionally, for last year alone, four hundred and forty three (443) juvenile delinquents, ranging from ages sixteen (16) to eighteen (18) were admitted to the Youth Training Centre on remand, as compared to three hundred (300) admitted in 1991. Out of the four hundred and forty-three (443) juveniles on remand in 1992 at the Youth Training Centre, fifty-four (54) were committed to the institution for three (3) years. This figure represents an increase of 86 % over the year 1991, when twenty-nine (29) lads were committed. The crimes attributed to these adolescents include such unlawful acts as House Breaking and Larceny, Assault and Battery, Armed Robbery and Possession of Narcotics."

So my point in reading this is to indicate that these youths who may have been deprived, may have all the difficulties in their upbringing, but in addition, they

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have committed certain crimes, and I think that ought to be taken into consideration when we consider this Bill. I feel not enough emphasis—and this is my own view—has been placed on this and that is why I feel I need to make these comments from my own point of view.

This view is supported also by the Minister of Education when he talks about the position that obtains in the schools. For example, these youths are going to be put into schools, and Sen. Capildeo quoted copiously from the Task Force, describing what takes place in the schools, and others have mentioned the same thing. I would just like to quote from the Minister of Education when he was speaking at the St. Stephen's College Parent/Teachers' Association. This was a report in the *Express* of April 23, 1993, in which he said:

"According to Ramrekarsingh, a lot has been said about students' indiscipline and violence in schools. He said there were many reasons for this phenomena (sic) including the curriculum, the home and the problem in the society."

So he is in agreement with this. It is recognized that there are problems in school. So here you have, in my estimation, a group of people who have been taken from one place to another. The purpose of the Bill, really, is to enable the original set of people who have been taken from the YTC to these places to have an improved education and some scope for rehabilitation.

**3.40 p.m.**

I feel the Bill does not pay much attention to three areas: it does not pay attention to the existing student population of the schools; it pays little attention to the attitude of the staff at the schools; the parents of these students and the schools themselves. Perhaps, I could expand a little on some of these points.

In relation to the students, the idea is that these students would go into the school system and merge with the rest of the students to get an education. I do not think the main purpose is for education. I think, in addition, they should be able to get back into society, and, hopefully, when they are released, they can lead a normal life. I think if they have problems coping at the schools; if in some ways they are treated like different people, I am wondering if these students are going to be wearing the school's uniform, since these are things that are not told to us. If in any way they are going to be conspicuous, I think it is not going to work for them.

Mr. Vice-President, no references were made to the prejudices that exist among parents. If a parent finds out that a child from the YTC is going to attend a

particular school, what would be the advice given to such a child in the school. I think we cannot debate this matter in an ideal situation when we know fully well that these prejudices exist.

On my way to the Senate today, I was listening to the radio—I would not say which radio station or personality I was listening to—at lunchtime and the commentator was saying that parents tell their children not to play with children of a certain colour. If they cannot play with children of a certain colour, would they play with children who do not go home every evening. This is just one example, and it does exist. We do not want to put these youths into a system in which they are going to be worse off. Here, we are telling them this is a chance for them to improve themselves, and when they go there they are made to feel they would be better off elsewhere.

What about the attitude of the staff and teachers? Are the teachers equipped to handle this situation? It requires a certain skill to teach, and it requires an additional skill to teach a mixed group made up of ordinary students and students who have had a peculiar background. Additional staff will be needed to deal with this situation. I am surprised, for example, that this Bill has been around for such a long time and TTUTA has not said anything about it. One cannot argue that TTUTA agrees or disagrees. TTUTA is usually very vociferous in its comments on anything. I am not going to interpret its silence to mean consent. I would assume that they have not reached here yet in their programme. This is something important. They have made, for example, a fuss about things that are not considered as serious as this. I wonder how they would react to this?

Since the Government is now introducing a new element into the school system, we have to beef-up on something that is part of the school system, but is not adhered to, that is the system of counsellors and guidance officers. Do you know that there are many schools that do not have counsellors or guidance officers? In fact, there are many schools that are in close proximity to one another that do not share counsellors or guidance officers. I think, under ordinary circumstances, from what we know obtains in the school system now, this is necessary. And, I think now, with this additional input, the occasion may arise in which this may become something very real.

For example, there are three schools in close proximity—the Couva Junior Secondary, Couva Government Secondary and Union/Claxton Bay—and none of these schools has a counsellor nor do they share one. When we put young

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offenders into the school population where help is sorely needed, how can help be given to these young offenders?

I am not objecting. It may appear from the trend I have taken that I am objecting, but one has to look at this issue from a practical point of view, and I hope that I am putting that view. I am sure when the Minister responds, he will allay all my fears.

Mr. Vice-President, the other point is since the offenders are coming from one centre, it seems that certain schools would be used more often. I cannot see, for example, people being taken from the YTC and being sent to Presentation College, San Fernando, or coming to schools in Port of Spain. So Arima and Tunapuna might get much work. Nothing is wrong with that, but those schools might get a reputation just like some schools have a reputation for football, cricket and so on.

Mr. Vice-President, these are not joking matters—

**Sen. Spence:** Mr. Vice-President, I wonder if the hon. Senator is aware of how far children now travel to secondary schools, for example, to St. Mary's College from different parts of the country?

**Sen. Ali:** Mr. Vice-President, this Senator is well aware, but I am sure the Government will not do that. If they have a choice, they will send people to the nearest schools. *[Interruption]* Yes, Mr. Vice-President, they are going to do that, because they are going to argue that there is a school next door, Arima, and they teach technical drawing, why should they send them down to San Fernando and what not?

As I mentioned before, there is a possibility that the plan might backfire. One must remember the experience of students abroad where other countries tried to assimilate the AIDS victims into the mainstream of schools and they met with much resistance. Why is it we cannot, perhaps, anticipate that such a thing might occur here? We would not like a situation where the students would be ostracized in the schools.

From my perception, and from what we have been hearing, one gets the impression that these youths have not had a chance. Sen. Daly did mention that this is their second chance, but they did have a chance and I do not think they are top priority for our school system. No numbers have been mentioned. I would not like to say that there would be overcrowding; there are just going to be 29 people, and after the screening and psychological test, I do not know how many of them

will be left to go to these schools. I would not like to say there will be overcrowding, but at this stage I would like to let the Minister know that they are not of top priority for our schools system when we know that *bona fide* students are turned away.

Mr. Vice-President, the other point I would like to mention in this connection is that once I looked at a programme on television in which there were glowing reports about inmates of a prison who had gotten degrees and so on at a university. Of course, they got it while they were instructed by visiting staff. This posed a problem in the United States of America because, as you know, education is very expensive there and people were wondering how can these people get an education free, supported by the state and they had to pay so much money. Ideas like that might filter into this programme.

Mr. Vice-President, I would like to make a couple of recommendations. I think, as had been said before, and on hearing the comments when these recommendations were made, I feel they will not go down well. The Minister has mentioned that there are many opportunities for these students to acquire some education; statistics were quoted about the school-leaving certificates; some CXC passes, so that there is some opportunity for them, and I feel those things ought to be expanded if it is not too expensive.

The other aspect of the Bill which relates to the rehabilitation and the reforming, I think that can be covered elsewhere. Why do we have to seek the avenue of going into the mainstream of education to acquire these? The Minister has already mentioned that they have a leave system and other areas in which to do these things. One does not have to depend on this system for them to get a taste of rehabilitation.

### **3.50 p.m.**

The concentration should be on areas in which they will understand their role in society; what they can expect when they do leave the institution and that they are better equipped to face the society. Perhaps, when they leave after three or four years, they can join a programme like YTEPP. If someone is an inmate, one adopts a certain attitude towards him and if he is released tomorrow there is a different attitude adopted towards him. Because some people may feel that he has served time and that there is a different perception of him. He might make greater strides when he has left the institution. As has been mentioned by Sen. Teelucksingh last week and repeated here today, we should take preventative measures. He had put

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forward a fairly comprehensive plan as to how we should deal with our youths so that they do not go there in the first place and we would not have this problem of determining whether they should get an education, whether it is the first, second or third chance.

Mr. Vice-President, only today I read in the newspapers that this is public awareness week for retarded children. I think a programme like this is ideal. But similar to this should be an adapted one suitable for the retarded and the handicapped in society. When we talk about mainstreaming of children it applies more to the retarded and the handicapped than to those who are offenders.

Before I end, I would like certain clarification. As I mentioned at the beginning and according to the original Act, the people who go to the YTC are between the ages of 16 to 18 and they remain there for three to four years. There are educational difficulties there where you have people 16 to 19 years. In normal circumstances that is the post-CXC age and I am sure that many of them would not have obtained that. Even if they go there immediately after their admission into the YTC, I cannot see them coping with that. To put 16 year olds to learn things of first form I think is not a good educational practice. I wonder how that is going to be worked out. Also, the courses which the schools run are normally long courses. They are not crash courses. They go to CXC, post-junior secondary which is two years. I wonder how many of them are going to spend their entire two years to complete the programme. That is why I do not quite understand, but perhaps it is my lack of legal training.

The new subclause 3 12A (2) states:

"A permit under this section shall be in force until the end of the course of training or the examinations connected with such course, as the case may be, at an educational or vocational institute or unless sooner revoked or forfeited."

Suppose the course is three years and the person has two, what is going to happen? What does this mean? That he stays there? He leaves the institution and he continues if the course is longer than the length of time he is under the jurisdiction of the state? I am not too sure what that means.

In closing, I do support the idea in spite of what I have said. I think the route that is being taken here for the rehabilitation and reformation may not achieve the desired goal.

Thank you, Mr. Vice-President.



**The Minister of Community Development (Sen. The Hon. Joan Yuille-Williams):** Mr. Vice-President, my intervention is not to prolong the debate but to just look at one concern which was raised last week and again today. Before doing so, I must say as I sat and listened to the hon. Senator opposite, I was more pained to hear these young offenders being described as young rebels. I really felt sad that at this point in time—

**Sen. Baksh:** Mr. Vice-President, if the hon. Minister were listening to me carefully; I did not refer to the young offenders as young rebels. I was referring to the other students in the school system carrying knives etc. For her clarification I would like to make that point.

**Sen. The Hon. J. Yuille-Williams:** Even on that point I would still feel hurt to hear even those students being described as young rebels. What it does is that we have almost closed the door on these young people and this is not what we would wish to do. There is hope for these young people whether those who are incarcerated or those who are still in their schools. Therefore, as a Senate and as Senators, we need to look at that and see how we can give these children a chance. With that kind of description I feel that even within our own minds, we have shut off the opportunity for these young people to enjoy what should be theirs.

What I really wanted to look at—and I think Sen. Hydar Ali raised it this evening—was the practice which some people have some concerns about, that of integrating different groups of people into the society.

As a former teacher/educator myself and one who has worked with children, I know that the practice of mainstreaming has been successfully carried out over the years—the practice of putting differently labelled children together. When this is done the process is usually assisted by resource persons who are able to respond to the special needs of the children. This afternoon I am saying that the same principle of mainstreaming is applied to the young offender. I must disagree with Sen. Ali that the retarded or the disabled are the people with whom you would use the process of the practice of the principle of mainstreaming. I think it can be successfully used with even these young offenders.

If we look clearly at the whole principle of punishment for crime, we can look at it as a three-pronged approach. You have the retribution against the offender, the protection of the society and the rehabilitation of the individual. Of course, this Senate will agree that the first of those, the retribution against the offender, is not the most important objective. If you want to achieve the second, which is the

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protection of the society, you must facilitate the third, which is the rehabilitation of the individual. Assuming that the young offender has made a mistake, every attempt and opportunity should be given to help him or her to overcome the mistake. We must remember that after the sentence the person must return to society. I am saying here that the attendance at this institution and school is one way to assist the transition process back to society.

With the mainstreaming of other groups, as I said before, resource persons are included to help with this. Special training of teachers is needed to equip them to deal with special tasks. I also heard sometime during the debate that there was this feeling that our teachers were not properly prepared or were not prepared to deal with those young offenders.

**4.00 p.m.**

I have been a lecturer on the programme at the Teachers College; I have also been a part of the Dip. Ed. Programme. In each of those programmes, we have included in the syllabus courses on psychology and special education which would include methods of dealing with the deviant. Therefore, there is some specialization out there for dealing with these children.

The Education Task Force which was quoted extensively in this Senate also recommended that for each district, there should be what is known as a Regional Diagnostic Prescriptive Centre that is intended to assist in the placement and the determination of the curriculum of all children. It is anticipated that such a centre can also help in diagnosing the special needs of those who have run into problems with the law.

**Sen. Capildeo:** Mr. Vice-President do we have any such centres, and can the Minister tell us, within a reasonable time frame, if we have none, when are we to expect such centres?

**Sen. The Hon. J. Yuille-Williams:** Sen. Capildeo, you are the person who quoted extensively from that Task Force Report. I am telling you some areas which you have not quoted, which are in the Report that relate directly to what we are doing today.

I am saying at this time that we have in our school systems, teachers who are prepared to deal with these children. I am also saying that the Task Force Report—because some of us were looking at it to see if in any way these needs were addressed—made mention of these Regional Diagnostic Prescriptive Centres which would also assist in diagnosing the special needs of the children.

**Sen. Capildeo:** Forgive me, Madam Minister, but all I asked is: Do we have such centres?

**Sen. The Hon. J. Yuille-Williams:** The Task Force Report also recommends that at district level, there should be psychologists and guidance counsellors. I am saying at this point in time that not only will there be preparation at the training institutions, but there will also be special on-site training at schools in which these young offenders may be sent.

The integrated treatment of those people who have erred will also assist the school population in treating with those who are different. I think this is very important to us here. Those who are different, who despite their problems retain their rights as enshrined in UNICEF rights for the child.

Many Senators mentioned the fact that there are schools that already have discipline problems, and they fear that if these young offenders were being streamed into the population there, that it would have negative effects. The effects can be positive, because the programme of integrating those who are incarcerated for discipline will lead to the preparation of schools to deal more efficiently, or intently with problem students, by raising the consciousness of the issues.

It would also help teachers to deal not only with the specific students who are sent to them, but also with the general situation that leads to those problems, to those of their own students who are experiencing difficulties and therefore help the overall problem. So that if you are preparing a special programme to deal with these young offenders, if you are looking at the reasons behind it; if you are looking at the issues related to them, your consciousness would be raised, and therefore at the same time, you can look at those whom you consider to be problem students whom you say go with whatever kind of equipment to school; you would be better able to deal with those children. Therefore, I am saying that there is some positive effects that can arise from the entire thing.

I also thought that some Senators missed the point that not all the offenders would be sent to schools. I must emphasize those who show potential and appropriate behaviour and who would otherwise be deprived if they are not allowed the opportunity for integration. I feel that there will therefore be on the part of the students themselves, a greater willingness to assist with their own development. In the schools, different opportunities would be provided for them, such as academic, technical and aesthetics.

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The Task Force also noted, that students would be allowed to follow different paths if they are to achieve their fullest potential and if the education system is to be truly human. However, all the students would have been steeped in experiences to assist their personal, social development since it is the problem in this area that would have led to the difficulty in the first place.

There seems to me to be a trend running through the Opposition which says that if the Government cannot predict precisely what will happen, it would be pointless to go through; if you cannot say what would happen at every stage, it would be pointless to even attempt doing what you are doing. This argument seems quite unfounded.

It is clear that in this the final decade of the 20th century and beyond, the focus would be on young people being prepared to grasp and create opportunities. Better personal social development and orientation to problem solving, and skills in the area in which the young person has demonstrated potential, represent, by far, a better approach than saying if the future is not predictable, the present should not be addressed. I have got that kind of feeling, that because that future, that end result, because all those questions which some people raised, all those answers do not seem forthcoming, you should not address the present.

For all those other students who are in trouble, whether primary or secondary, there is a co-ordinated effort which can be made. In other words, I am saying that the general thrust is to improve the treatment and the education of all children.

This Bill provides an opportunity for our children who are at greater risk having fallen short of the law at an early age to be provided with some support of experience, and they should be allowed to experience the provisions that have been made for all children. That is what we are all about, that we give these young offenders the opportunity to be able to benefit from the provisions that have been made for all children because they are a part of it all. Without some special help, they may be at greater risk—I can tell you—to themselves and to this society. Based on that I would urge this honourable Senate to support this Bill.

Thank you.

**Sen. Wade Mark:** Mr. Vice-President, before I commence my contribution here this afternoon, I wish to make an observation. I have observed the front and back ramp of the PNM benches seem to be somewhat depleted this evening. I do not know if they have sent an advanced contingent to cocktail house.

**4.10 p.m.**

This particular Bill that we have before us, that deals with young offenders, has to be seen in some perspective. Apart from some technical deficiencies that we have discerned in this piece of legislation, we think that in looking at this Young Offenders Detention (Amdt.) Bill 1993, it would be useful for us to analyze the plight of our children in this society, because, as you know, young offenders do not fall from the sky. They are the products of an increasingly hostile economic, social, political and cultural environment. Sometimes, when you hear the other side speak, you ask yourselves whether some of these people are not firmly grounded in the reality of our society. The very PNM Government that is responsible for much heartache and pain in this society comes here innocently, pretending, as normal, that they care. But we will deal with that later.

I want to indicate from the outset that the aim of this Bill before us is to amend the Young Offenders Detention Act in order to widen what is called the regulation-making power of the Minister of National Security and to further empower the Commissioner of Prisons to grant leave to young offenders to enable them to attend educational or vocational institutions. While the principle of this particular piece of legislation is good, we have to look at it in perspective, because we see some practical deficiencies in putting the particular amendments that have been advanced here this afternoon into operation. While the Government, in its normal style, outside of a three-fifths majority, would seek to railroad its way into having this Bill passed, we would want, for the record, to advance some of our concerns.

One of the areas we find lacking in this Young Offenders Detention (Amdt.) Bill is what we describe as a definition section. There is no definition section in this particular piece of legislation that we are debating, and there are, in fact, certain concepts that come into play that we believe require some kind of definition and clarification.

For instance, in the Young Offenders Detention Act, under section 12(1), there is the question of the power to release on licence. We have in this Bill the introduction of a permit and we are not too sure. I do not know if the Minister, who is always brief in his response to any contribution made here, would, in fact, provide us with some clarification on this matter. I think it would be useful for the Senate to have some appreciation from the Minister on the distinction between the

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"licence" and the "permit". This is why we advance the point that there ought to be some definition section which would incorporate this particular aspect we are advancing. You see, the PNM is a public relations organization believing in public gimmickry.

**Sen. Kuarsingh:** Bring your motion on corruption and we will deal with it. Sir, we on this side are not involved in gimmickry and I ask that that remark be withdrawn.

**Mr. Vice-President:** Sen. Wade Mark, I am certain that you can state your point in more parliamentary language.

**Sen. W. Mark:** Eloquent. Public deception.

**Sen. Kuarsingh:** "Deception" has been recognized for 600 years as an unparliamentary word. Sir, I ask that that word also be withdrawn.

**Mr. Vice-President:** Sen. Wade Mark, you have been away from us for some time, but I am certain that you are well aware of the language that is acceptable in this Senate.

**Sen. W. Mark:** Mr. Vice-President, I think that if I search through the *May's Parliamentary Practice*, I do not think that "deception" could be considered unparliamentary.

**Mr. Vice-President:** It is unparliamentary.

**Sen. W. Mark:** I think that this PNM Government has been engaged in a public relations campaign designed, in a very subtle way, to mislead the population. If my good Friend who seems not to have lost any weight since my departure, wants to understand what this thing is about, I will quote from today's *Trinidad Express*, May 11, 1993.

Just recently, I think it was Thursday of last week, the hon. Prime Minister went on television and presented a package of relief to the population of this country.

**Sen. Kuarsingh:** I respectfully submit that this is totally irrelevant and not germane to the debate, Sir.

**Sen. W. Mark:** You want to muzzle us right through. Our position is very clear. We shall not be and, of course, we will be guided by the Vice President.

I was making the point that in terms of the deficiencies of this Bill, we would like the hon. Minister to put, or we will propose, a definition section in which

there could be some clarification for all of us and for the people who are going to interpret the law ultimately, on the definition of "licence" as well as "permit". Are they synonymous? What are the constraints and conditions which would apply to a "licence" as opposed to a "permit"? I think that he would need to provide us with some clarification on this issue.

Another area of concern here is that we are not too clear on the criteria to be employed in determining how young offenders are going to be granted this special leave. What system will be employed? Is the Minister, along with the Commissioner of Prisons, going to exercise their discretion to determine who would be released and who would not? Is that the intention? This is an area on which we would also like to seek some clarification from our Friend.

Another area that we are concerned about is the question of determining the psychological needs and requirements, the mental and emotional state, the academic and vocational capability, as well as the needs and potential of the young offenders in question. Exactly how are these things to be determined? What we are addressing is the question of rehabilitation. We have in our manifesto advanced a number of suggestions as to how we should go about rehabilitating those young people who have run afoul of the law.

#### **4.20 p.m.**

We know that rehabilitation is extremely essential for them to return to a society that they can feel part of. But in a period of stabilization and structural adjustment, right-sizing, downsizing, capsizing, all these policies which are being pursued by this so-called caring Government are, in fact, promoting and advancing the rise in young people being engaged in all sorts of activities in our country.

We feel that unless the Government changes its economic policy, Mr. Vice-President, we are going to be experiencing a greater increase in the rate and pace of young offenders who would have to visit the YTC and other institutions in Trinidad and Tobago in a period where the Government is screaming to the heavens for lack of money. They cannot provide. We know that young people constitute a very important resource in this land and the policies being pursued by this administration are resulting in the continued wastage of that critical human resource in Trinidad and Tobago.

Glib old talk and lip-service would not bring about a change, because the policy which is being pursued by this Government has to be seen in its proper

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perspective, because there is a link between the liberalization route that this Government is railroading this country into and the continued rise of delinquency and juvenile discontentment in this land.

Laventille took over Port of Spain recently and they closed the city—young people. What is very important is that when we are addressing young offenders—young people, who, because of lack of warmth, lack of a proper home; their parents have been retrenched by this same wicked and vicious Government, and they say they care.

I saw in the papers on Sunday where the hon. Minister of Community Development, Culture and Women's Affairs was leading a march. She was the chief lieutenant, guiding and giving instructions—do not heckle—and hungry people were marching and saying they love the PNM. The PNM is killing people in this country and they are marching and saying "long live PNM". These things are always possible. We live in a strange society and these things are always possible.

I would like to advance in this debate that we cannot escape the economic linkage between the continued rise of juvenile delinquency and young offenders in this country and the backward IMF/IDB-inspired economic policy of this regime, called the PNM, who tells the population in a very dishonest way that it had, in its manifesto written a position to liberalize the currency of this country.

But you see, Mr. Vice-President, young people are going to be continually affected by this regime because when they take decisions to do certain things in this country and they inform their friends, as they did, and their friends make a killing, as they have made, what we have taking place in this country is a continued redistribution of wealth. Our good Friend here, the hon. Brian Kuei Tung, the unrepentant, savage capitalist, told the country today—and I have to compliment him on this point—he told his business colleagues—because he is still a businessman, just with a different cap for the moment—that they must sacrifice, even if it means making less profits in order to assist in the transition. I think that is wonderful. But how many people would hear our good Friend? They are not sacrificing.

The population of this country, Mr. Vice-President, is, in fact, subsidizing the big business people in this country who are raping the population left, right and centre.

I think one of the points we need to clarify in this debate on this question of young offenders, is that the Government's continued economic programme is



causing many young people to go mad, become vagrants and turn to prostitution. All those street children we see in Port of Spain, San Fernando and Chaguanas are victims of the PNM, because PNM did not come now, you know, PNM was here 30 years before. What we have is a reincarnation.

Mr. Vice-President, I think we have to look at this question very seriously. Even our hon. Minister of National Security told us some time ago that it is in the schools of our country where our young offenders are now to go to study academic and vocational subject matters. Those schools have now become very dangerous locations, but it is part of the mission statement of the PNM to sell out this country.

Mr. Vice-President, Sen. Hydar Ali mentioned the question of safety. How are we going to ensure that the population at the schools—and their parents in this instance—recognize the need to embrace those offenders who are coming into the system? Already, we are getting strong feedback where people are saying that they do not want these young offenders in the schools because in Trinidad and Tobago we have not entertained a sufficiently organized education programme to sensitize the population of the need to recognize young offenders, and even prisoners, as citizens of our country. They have committed offences; they have served their time and they must be re-integrated in our society. Because of the fact that we do not have a well-organized education programme to sensitize the population, we have people being isolated in our country.

I am saying that this exercise that we are engaging in will be resisted in the school system. This Government has always, since it came into power, put the cart before the horse. This is a Government which is reactive and not proactive. This is a Government which floats a currency, does not think out the social implications and otherwise, and the Prime Minister comes and announces a mini-budget later on. These are things that need to be looked at down the road.

The hon. Sen. Gordon Draper, the hatchet man for the public service, would know about strategic planning. Long-term planning is what is important here. Look down the road. It is not an attempt in any way to skirt the contribution by our Friend earlier, that is the Minister.

Mr. Vice-President, we think that the question of safety at the schools is very important, and the Minister will have to let us know how they are going to ensure the smooth integration of those young offenders into the system. Because if we do not have a link and communication between those in the schools and those

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offenders who are going to join them in the schools, I think that we will have some difficulties and I do not see any programme on the agenda to convince me that that is on track as far as I am concerned.

**Mr. Vice-President:** Sen. Wade Mark, how much longer do you propose to be?

**Sen. W. Mark:** About 15 minutes.

**Mr. Vice-President:** The sitting of the Senate is suspended. The sitting will resume at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. W. Mark:** Mr. Vice-President, I was, in fact, making my contribution in the context of the crisis that young offenders are going to face ultimately. My understanding is that you have space at the YTC to accommodate at the most about 300 to 400 young offenders. We are aware that there are thousands of young people in our society today who require direction and guidance. Therefore, the question of providing further institutional arrangements to at least assist those young people becomes critical.

What is even more important is the need to ensure that when those young people—and maybe the hon. Minister of Community Development would be able to address this—are trained and they come out academically qualified, or they are able to equip themselves with certain skills through their vocational training, where are the jobs going to come from to employ these young people?

Mr. Vice-President, the Minister speaks about a programme of on-the-job-training. We have an oversupply of trained people in some areas of this country and they cannot find meaningful employment and, therefore, the Government, in presenting this particular Bill to amend the Young Offenders Detention Act ought to have given us some appreciation of the system they are going to devise in order to assist in placing those young people when they come out of the system that they are being prepared for at this time.

Mr. Vice-President, as you know, we have in Trinidad and Tobago and in the Caribbean, as a whole, a large pool of unemployed young people, and would you believe that in the Caribbean today, including Trinidad and Tobago, we do not have—both in quantity and quality—the kind of skilled manpower to meet our

present-day developmental needs, much more to deal with the year 2000 and beyond. Yet we still have young people who are wasting away in our society. The Government can only provide accommodation or training facilities for a few hundred when there are thousands of young people in this society who—young offenders, yes. I am speaking about young offenders.

I am saying, that what we are debating today is a bandage arrangement. This is a bandage Government. Any time a sore appears, it applies a bandage. We keep advising this Government that if it wants to make sense—because it is a senseless arrangement that we have here for a Government—it must be able to deal with matters in a more comprehensive way. They must look down the road.

We are selling out our country, we are subsidizing foreigners and our own people, our own manufacturers and our young people are left out in the rain. Our good Minister of Energy is aware of that. He is part of that sell out, NUCOR, Enron, the rest. He knows about them. I understand, Texaco is coming back—full circle.

Mr. Vice-President, I think we need to understand that we have to be more proactive and less reactive and we need to really come to grips with our changing reality because the times are changing rapidly. We do not want to be left in the dark ages. We want to advance. I think the young people want to advance in the country, but we must have the vision and foresight to direct and guide them. We do not have it at this point in time.

Some time ago, Mr. Vice-President, I read in the newspapers where the Government was granting old age pensioners something like \$400 a month, in both the *Express* and the *Guardian*. When we looked at this thing carefully, we recognized how the Prime Minister was able to couch this thing so as to mislead the whole population. Both newspapers carried that announcement in screaming headlines. But the increase for old people is \$9, the *Express* had it this morning. A 35 per cent devaluation and they give the old people \$9.

**Sen. Huggins:** Mr. Vice-President, may I enquire how this is relevant to the debate?

**Sen. W. Mark:** We are dealing with young people.

**Sen. Huggins:** You are dealing with old people.

**Mr. Vice-President:** Senators—Sen. Wade Mark.

**Sen. W. Mark:** Yes, Sir.

**Mr. Vice-President:** Come back to the Young Offenders Bill, please.

**Sen. W. Mark:** It is right there I was, Mr. Vice-President. I was just trying to establish a link, but my colleague does not understand.

What we are saying is that there is need for what we are dealing with here, but we are saying that the Government is approaching this thing in a piecemeal fashion and we are saying that if we are to make sense out of this thing, we are advising this Government of some of the factors that it ought to have taken into consideration in dealing with this particular matter. We are providing and we are generating more young offenders every day in this country. WASA rates are set to go up. PTSC fares have already gone up. The Port rates, the Prime Minister said, are going up. Flour has gone up, too. Chicken has gone up. Toilet paper—a roll of toilet paper has gone up, it used to be \$1.25, it is now \$2.

Mr. Vice-President, how are parents in this society, whose real income has collapsed by more than 60 to 70 per cent over the last ten years, going to cope with these new conditions and the rocketing increases in the cost of living?

That is one of the reasons why there are so many young people straying in the society. The fact of the matter is that their parents do not have the capacity to take care of them, and then this so-called caring Government says to the old people, \$9 more; social assistance may be about \$8 and they care. They say they are going to privatize T&TEC and WASA. They are going to give away methanol just now.

Mr. Vice-President, I think that, for instance, we have to deal with the question of our children because if we do not address this question, we are going to find ourselves in a virtual quagmire in this country. Therefore, we have looked at a report of a committee which examined the entire family service delivery system in Trinidad and Tobago and the whole issue of child abuse.

This report was published in 1987 and it advanced about 18 points to actually hammer home to us the difficulties that our children face in the society.

**Mr. Vice-President:** I trust that these points, Sen. Wade Mark relate to the Young Offenders Detention Act.

**Sen. W. Mark:** It has to be. I would not refer to them if they were not related. They have to be.

Mr. Vice-President, the point I keep making: You see, we cannot operate on a straight road all the time. We have to recognize, Sir, that the young people in our country, the children of our nation, if they do not get the necessary care and attention in this society, they grow up to be young offenders.

I am saying, Mr. Vice-President, that there is, in fact, a symbiotic relationship between those young children who are not being taken care of and those young offenders who eventually emerge in our country. So I think that we have to establish that link so that we can understand where we are going. Because if we are going to solve this problem, we have to solve it at a tender age.

Mr. Vice-President, what is happening is that the institutions that are now responsible for taking care of these children are extremely inadequate for the task. This is why, for instance, there are the problems in this society.

I would just refer to about three of these recommendations or points, because I do not want to detain you with the 18, although they are very important.

Mr. Vice-President, one of the points I wish to highlight here, in terms of the problems of these homes that take care of those children who are delinquent, who have no families—because in this country a child who has no father or mother, as the case may be, the main detention centre for those children seems to be the police station. We have not been able to develop in our country proper homes to take care of those children who, for one reason or another, happen to be misguided or happen to be misled because of circumstances.

What happens is that those voluntary organizations which have come into being, have been attempting to address the question of those children who have no real direction, and it has been found that the majority of children in the institutions are not orphans. They are victims of broken-down family systems due to mental illness, deserting parents, poverty and abuse.

There also seems to be a tendency for the graduates of these children's homes to produce children who, in the absence of family support, often need to be taken into care, just repeating the vicious cycle of the deprived child growing up in an institution.

So what we have here is a list of difficulties and problems that our children face at the various homes that they are institutionalized in because of one

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difficulty or another. We feel that it is necessary for the Government to have, as I said, a comprehensive view in this matter.

Mr. Vice-President, we are concerned about another matter in terms of this Bill, in addition to all that I have raised. Who will transport these people? Is it the YTC? Does the YTC have adequate infrastructural facilities to deal with that? We want to know, because if we are to give support to this Bill, we want to know that the necessary mechanisms are in place, so that if you get into that programme and you have young offenders going to school, going to technical institutions, as the case may be, or institutes, you have the kind of delivery system in terms of transport. We would like to know, for instance, how this thing is going to work. I know the Minister promised the police bicycles. I do not know if that is going to be on the agenda in terms of that area.

I believe that we have some severe problems, but I think that, for instance, with the will and with the correct policy and ideology, because we cannot escape the fact that the world order that is now emerging is going to be more savage than the one that is going out. It is going to have a savage kind of mentality and this is where, for instance, we need to take care. We need to really think things through properly and carefully because the young people are going to suffer severely.

This is the period in which they talk about a new world order, where a group of men and women are taking charge of the world who are more oppressive and more exploitative than those who are now in charge. One can well imagine their agenda being extremely clear. Therefore, our young people are in serious danger in confronting this new order and the forces and so on which are going to promote this particular order.

We would want to advise the Minister of National Security, that he needs to pay attention to a few matters that we have raised here today. I think, for instance, if he demonstrates the kind of maturity which is necessary—because, as a youth, as a young man, he seemed to be very excited about his job and sometimes his job and his excitement get to him and he displays a kind of arrogance that is sometimes not in keeping with his own mission.

I think, for instance, if he is able to give and take in terms of what we have advanced here, that is going to augur well for the future. Because the only time this Government learns, is when they come with a Bill which requires a three-fifths or a two-thirds majority. That is the only time they want Opposition support. Then they come, like our good Friend on all kinds of programmes.

Mr. Vice-President, we are saying that we have some points. We have advanced our points and we would like the hon. Minister to respond to those points and we would like him to look at them in terms of our contribution. We hope that this Bill is not something just found in a closet, pulled out, brought here for public relations purposes, and at the end of the day it does not get anywhere. In other words, the effect of it in terms of implementation remains somewhere and we hope that this is not the intention of the hon. Minister in this matter.

Mr. Vice-President, we want to advise our good Friend to look seriously at what we have said, and we hope that the Front Benchers of the PNM would begin to recognize the seriousness of the moment and not simply and glibly accept wholesale and retail those influences, intellectual and otherwise, which are now going to have a serious impact on our young people in Trinidad and Tobago and our adult population as presently constituted in this society.

Mr. Vice-President, thank you very much. I hope the Minister will respond positively to our contributions.

**Sen. Dr. Harry Kuarsingh:** Mr. Vice-President, I had changed my mind and intended not to speak, but certain fundamental issues have come to light and with your indulgence I would like to spend ten minutes or so putting the case and dealing with the matter.

I want to deal with the facts of the matter, Mr. Vice-President. Then I want to try to answer the Opposition—Sen. Capildeo, Sen. Cowie and Sen. Wade Mark.

**Sen. W. Mark:** Cowie is not here.

**Sen. Dr. Kuarsingh:** But he made a contribution. Sen Wade Mark may not know that, in law, when a contribution is made, it must be dealt with.

Mr. Vice-President, you have ruled that I cannot use the word "foolish" and in dealing with the Opposition, this afternoon, I would be very hard put.

I would like to begin with the first point, and that is the need for reform of the penal system. I do not think that I exaggerate when I say that the penal system in Trinidad and Tobago has not really worked as it was intended to. Before we get big headlines tomorrow morning, let me say that this is a problem in the entire Western world, that the penal system has not reformed those who have gone to prison.

**5.20 p.m**

I would have thought, that they all would jump at the opportunity to support such a measure. Let me put in perspective for you, Sir, the limit of the Bill. This is a Bill that deals with numbers in the tens not in the hundreds. If we had the respect of the Opposition who would listen to what we have said, they would realize that this Bill will operate in very circumscribed situations, that is, a person who is allowed to attend a school to do his courses would be taken there, would be for that period under supervision, and then returned to the remand centre where he belongs.

On the radio during a lunch time talk show, I heard it put across that the Government intends to release the prison population among the school children. By and large, our friends in the Opposition have presented this picture—so they cannot say that they have had no achievement in Parliament; they have been able to take a simple thing and twist it around. But I repeat, Mr. Vice-President, there is no intention to release the prison population in the schools. You are dealing with a matter involving tens and twenties, that is, in the whole country, 10 and 20 people going to the schools to write a particular subject.

It will work like this: they are taken with their supervisor; they go to the form for that particular subject; they then leave at the end of the subject and are taken back to the remand centre. Any other thing, Mr. President—I cannot use the word lie—but clearly, any other thing is a gross exaggeration.

What distresses me most of all, Mr. Vice-President, is that in the Parliament, where men and women should know better, we seem to have missed the essential point. Ask yourself: What is the psychology of a young prisoner who wants to do advanced levels? Since, obviously, the Opposition Members in the front do not understand it, let me explain.

Men are different only in their ideas. You might say that we are different from the Japanese; but if you really examine our situation, we are different only in our ideas. A young man who wishes to educate himself and do GCE O'Levels or A' Levels will, at the end of that time, become a different young man. Clearly, since the rehabilitation has failed, do you not all see that if we can deal with this in a proper manner, then this is the carrot in the prison that will make many others want to follow?

**Mr. Sudama:** Mr. Vice-President, can the hon. Senator tell us who was in charge of this failed programme?



**Sen. Dr. Kuarsingh:** I am making a very important point in human psychology, that is, if you have a group that is deviant and you can find some process by which they wish to succeed, this is the carrot that all others will follow. In the German Army, the VEHRMACHT, in the Red Army, in the British Army, the American Army, there is something called the Punishment Battalion. An officer who has fallen down in law, joins the Punishment Battalion, but the chance is there that he might improve himself. That is the carrot that we offer where we have failed in the past.

Mr. Vice-President, I go further to tell you, that in my view, the best behaved young people from this remand centre will be those who wish to avail themselves of the opportunity to succeed in life. We must not introduce a caste system in Trinidad. To close the door, finally and fully, would be to introduce a caste system. The caste system exists only in India and a man cannot change his caste. In fact, the only time that I know of people who have changed their caste is those who migrated from India, came here, and on the docks, changed their caste from a low caste to a high caste.

Of course, I know which Members who lead the Opposition have changed their caste and I intend to use it later on in the right debate. We have been frightened by much talk about the young people going and terrorizing the schools. Well, let me inform the Parliament, that the most important influence in the lives of young people is, in fact, the television. The young men and ladies who are in schools already know of the life that prisoners live. In my view, the young people who are likely to be given this opportunity, are likely to behave better than the children in certain schools. I wish to stress again, that education makes a different man in the end, and it is that, that will be the carrot by which we will reform some of these fellows. Mr. Vice-President, if after all of this, we have saved ten young lives or, indeed, one young life, we would have succeeded.

Before I end on this part, I want to say this: I am not one of these confused liberals who come and support every "goody, goody" measure. I have to tell you that I believe in capital and corporal punishment in our present circumstances, but yet, I see this as an opening for the reform of the prison system, where it has obviously fallen down. So I ask all of you to support this Bill.

Mr. Vice-President, we must, despite the fact that a man might have gone to prison, or a young person might be in the remand centre, offer him a better vision of society. I think all of us in this Chamber know—because I think most of us

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come from very "lowly" immigrants—that the only route to social mobility is through education. It cannot be a bad thing that somebody in the remand centre has a route to social mobility through education.

Mr. Vice-President, society will benefit from this measure. I wish to speak about a man who is well known in this Parliament, that is, Karamchand Mohandas Gandhi sometimes known as Mahatma Gandhi. He had been in fact imprisoned in South Africa for a protest he led while he was there. This was before World War I. While in prison, the authorities made available to him his law books. He was able, Sir, to continue his studies. The point of the matter is—we are dealing with a very much different man, but the same principle applies—we open the door for a man who wishes to better himself, and we in this Government feel there is nothing better we can do.

Before I end Mr. Vice-President, I want to deal with the matters raised by the Opposition, and this is a serious issue for me. We have been told by Sen. Capildeo that we must have everything in order before we proceed—

**Sen. Capildeo:** I never said that, Sir.

**Sen. Dr. Kuarsingh:** All right, well I humbly apologize, Sir. We have been told by the Opposition that what we do is not enough; more should be done, the laws should all be reformed. The impression is, that we must have everything in place before we move forward.

**5.30 p.m.**

I think everybody in this Parliament would recognize that this is absolute vacuous nonsense. Society does not proceed by eating the whole chicken in one bite, Mr. Vice-President. It proceeds step by step. We have been told by Sen. Roi Kwabene that there is an eerie silence hanging over the country.

**Sen. Capildeo:** Mr. Vice-President, those were my words.

**Sen. Dr. Kuarsingh:** Sen. Kwabene, so often, has copied your words.

**Sen. Capildeo:** Congratulations to him for that. You should do like him.

**Sen. Dr. Kuarsingh:** But the truth of the matter is that every piece of legislation brought by this Government to this Senate is opposed by the Front Bench simply for the sake of opposition. Many of my colleagues—

**Sen. Merritt:** That is not true.

**Sen. Dr. Kuarsingh:** Mr. Vice-President, history will judge all of us. Today we can go home and hide the facts, but soon enough the future generation will find out what we have done. Some of my colleagues make a fundamental error. They say that you have no policy. That is wrong. You have no policy that you could openly announce, but I invite you to interrupt me to enlighten us on your policy. Your policy is to create as much chaos as you can—*[Interruption]*. The Senator, of course, just talks on every subject.

Mr. Vice-President, the truth of the matter is that every measure carries certain risks. It is entirely possible that some young man or woman would use the opportunity afforded by this legislation to take advantage of the system and run away. But the hon. Minister pointed out that many of these people are already on weekend parole and would hardly do that. I ask this Parliament, is it right to deny an opening to those who might wish to better themselves, on the spurious ground, or on the serious ground, if you like, that one or two people might take advantage of it?

An important principle in punishing is that there should be an opportunity for a man to reform himself. As I said, we clearly have failed; and before anybody says "ah, the PNM has failed again", let me tell you, this is a failure recognized throughout the Western world. In the United States, I believe, building of prisons is a growth industry.

Before I end, I want to answer the point made by my Friend Sen. Cowie on the legal matters. But before I do that, could I indulge you, Mr. Vice-President. In the 14th Century, in the Cathedral City of Assisi, the Roman Church met once again to fix with the calendars. You would recognize that this was the time before Galileo and Copernicus.

**Sen. Capildeo:** We know about Aristotle and so.

**Sen. Dr. Kuarsingh:** Somehow it got into the argument and it was put on the agenda to determine how many angels can stand on a pinpoint.

**Sen. Capildeo:** Pinhead!

**Sen. Dr. Kuarsingh:** As a young man at the university, I had an opportunity to read these notes and as I did so I could make no sense of what was being said. Mr. Vice-President, as I listened to Sen. Cowie, in the same vein, I could make no sense of what was being said, but I say he certainly could have contributed to this debate on how many angels can stand on a pinpoint.

**Sen. Capildeo:** Pinhead, not pinpoint.

**Sen. Dr. Kuarsingh:** Mr. Vice-President, I will end my brief remarks because I really feel that I must answer the Opposition. Let me say to all Senators, through you Mr. Vice-President, that any matter of morality or Government behaviour that you wish to bring, we would be entirely happy to debate it. I was very moved by Sen. Suren Capildeo's review of the entire educational system. Let me speak frankly, I tried to get him ruled out of order, but I was not successful. Many things he said were matters which should have been considered but the truth of the matter, I respectfully submit, is that it is entirely irrelevant. I say to the Senator, come at the right time with any matter that concerns you.

Now, let us get back to the Bill. The Bill before us, Mr. Vice-President, is a very limited one. It deals with people in the tens and twenties. It deals with young offenders who on their own have set a better vision for themselves. This would be the carrot by which so many people can be encouraged to move along the right direction. Further, we recognize that not only in Trinidad, but in the entire Western world, penal reform has not gone in the direction it should have gone. To answer the most serious charge made, it is unlikely that the introduction of these 10 or 20 young people into the school system only for the period of their subject is going to cause a breakdown in the system. Society will benefit from this; the young people who have fallen down in their morals will benefit from this and I call—

**Sen. W. Mark:** PNM policy.

**Sen. Dr. Kuarsingh:** Mr. Vice-President, I look upon this as a provocation, but I want to keep this debate at a serious level—I am not going to answer him today. Society will benefit, the young people will have a chance to be guided by those who have succeeded. It is a thing that will bring benefit to the state and future generations. I humbly ask for the support of the whole Parliament.

Thank you, Mr. Vice-President.

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, there is not much left for me to say, after the sterling contribution of my colleague, Sen. Kuarsingh. I will just take some time to clear up one or two misconceptions. The first is one which Sen. Wade Mark touched on; and it relates to his assertion that many of these offenders are without parents. A survey done as late as 1992 showed that, of the offenders who are incarcerated at the Youth

Training Centre, 62 per cent lived with their parents; 12 per cent lived with mothers alone; 13 per cent lived with fathers alone; 13 per cent lived with a substitute parent, or none at all. So I do not want you going away with the feeling that every young offender is incarcerated because he has no parental guidance.

We, at the Ministry, are now in receipt of the first draft report that was commissioned arising out of the construction of the new Maximum Security Prison. It is intended to put in place a very formalized system of rehabilitation. I have a copy of it here, but to avoid any questions being tabled and that sort of thing, let me say now the report is not for public consumption at this point in time.

Sen. Wade Mark also seemed to be concerned about the difference between a licence and a permit. I sought to interrupt him to advise him that he should read the legislation carefully, but he was more concerned with bringing NUCOR and Enron into the debate. The licence system, under the young offenders legislation, is a form of parole where permission is given for a young offender to spend part of his sentence outside, upon certain conditions. He may be released in the custody of his parents because his behaviour was exemplary at the time that he may have served in the institution; and this licence is given when he is allowed to go outside. If he is in breach of any of the conditions, the licence is withdrawn. The permit is simply to facilitate this system whereby a young offender can avail himself of vocational and academic training.

Mr. Vice-President, I do not intend to repeat myself, because it was quite clear that Sen. Wade Mark, in particular, missed the presentation of the Bill and did not see it fit at the caucus level to be advised as to what transpired. Many of the concerns raised were, in fact, mentioned when the Bill was being presented and it would have saved us much time if he had seen it fit to speak to the then Leader of the Opposition, so that he would have been advised.

**5.40 p.m.**

Notwithstanding, some of the views emanating from the Opposition Benches really left me amazed. I made it clear it would not be a situation where young offenders would be left unsupervised, and I think both Senators Kuarsingh and Yuille-Williams explained how the system is going to operate.

Before any offender is considered for the issue of a permit, he must show that he possesses the necessary academic qualifications to pursue the particular course which he may request. As I said before, he will be psychologically assessed; the record of the school which he attended before coming into the institution will be

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looked at to see whether he has the ability to continue further. Also, the record of his behaviour in the institution will be looked at. I want to assure you it is not going to be an easy task on the part of any offender to obtain a permit to go outside and further his education. This, as I said, is intended to deal with those students who show the ability to take further teaching. It will also avail those students who may have reached a higher level, for example, they may have been enrolled for the CXC examinations and were unfortunate to run afoul of the law. They will, under this system, be allowed to pursue the classes necessary for them to take that examination. As I told some Senators informally, I do not see many of the offenders getting the opportunity to go through this system, but it is one small step in our whole approach to rehabilitation of the young offender.

I want to make it quite clear also, in response to Sen. Baksh, that this is not an experiment at all. I want to say to Sen. Teelucksingh that we do not live in a perfect world; we live in an imperfect one. Situations with which we are faced, other countries are faced also. But we have to deal with our problems. I recognize all the concerns about fears that may exist, but I want to let him know that there are inmates from other institutions, for example, the St. Michael's Home, the St. Jude's School, who attend schools in the normal education system. Nobody is aware of this, so there is no row, and to keep it that way, I will not mention the schools, so that nobody will get up tomorrow morning and start to make a set of noise about their children going to school with chaps who have been convicted of offences.

Like Sen. Kuarsingh, I am a firm believer in capital and corporal punishment, but at the same time I show some compassion, and I will pursue this whole concept of rehabilitation with the same fervour that I will pursue the imposition of capital and corporal punishment.

Much was said about the St. Michael's Home and the St. Jude's Home. Just let me say that those institutions do not fall under my Ministry. They fall under the Ministry of Consumer Affairs and Social Services, and there are already in place academic programmes to deal with the inmates of those institutions. For example, at the St. Jude's Home, subjects taught there are Arithmetic, English, Social Studies and Composition for the purposes of the school leaving examination. Part-time teachers are also employed at that institution for CXC subjects.

On this point, let me say that at the Youth Training Centre, teachers also come in there on a part-time basis. There are also teachers on staff. But insofar as this

amendment is concerned, this really intends to deal with a very limited number of offenders, and it is not economical to employ the teachers for the course subjects which these students will be pursuing.

The question was raised as to what is going to happen to these young offenders after you have given them an education. They pass their examinations and that sort of thing; they have finished their period of detention. What is going to be done for them? I cannot give any guarantees as to employment outside. All the Government could do is put systems in place, make the place economically better—my Friend, Sen. Mark would not agree with that—and it is hoped that employers outside see the need to accept these offenders into the fold of employment if they are qualified.

My Ministry at present, as I said before, is also looking at the question of erasing from the records of these young offenders, criminal convictions. A present study is being done, because I believe it is unfair to the young offender. For example, a young offender at the age of 14 who may have committed a crime of say, burglary, or something like that, maybe because of his economic needs, and has served his period and does not become a second offender, I see no reason why at the age of 25 he should still have that taint, having been convicted at age 14. We are looking at it; we are looking at the proper method by which that can be implemented. It is hoped that that will go a long way in making a young offender more acceptable, not only to the society as a whole, but maybe to employers in general.

Mr. Vice-President, I think that all that could have been said on this amendment has, in fact, been said, and I see no further need to detain this Senate. Without further ado, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

**5.50 p.m.**

*Bill committed to a committee of the whole Senate*

*Senate in committee.*

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the Senate.*

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*Senate resumed.*

*Bill reported, without amendment; read the third time and passed.*

**ADJOURNMENT**

**The Minister of National Security (Sen. The Hon. Russell Huggins):** Mr. Vice-President, if you would permit me before I move the adjournment, I omitted to inform Senators that I have in my possession, a copy of a book which contains letters and short stories written by prisoners who benefited from an educational programme that was run at the Golden Grove Prison. I am certain that many of you may want copies to see how most of these people came from the illiterate stage and can now properly draft job applications, etc.

I beg to move, That the Senate do now adjourn to Tuesday, May 18, 1993 at 1.30 p.m.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 5.52 p.m.*